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R E P O R T S  
FROM  
C O M M I T T E E S:

*SEVENTEEN VOLUMES.*

—(17.)—

MISCELLANEOUS:

BRITISH MUSEUM; PENSIONS;  
&c. &c.

Session

15 November 1837 — 16 August 1838.

VOL. XXIII.

1838.

~~Br Doc 428 (23)~~

Br Doc 650



525  
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1837-8.

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# R E P O R T

FROM THE

## SELECT COMMITTEE

ON THE

## B R I T I S H M U S E U M;

*WITH THE*

## MINUTES OF EVIDENCE,

AND

## A N A P P E N D I X.

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*Ordered, by The House of Commons, to be Printed,*  
30 June 1838.

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*Luna, 18° die Junii, 1838.*

*Ordered, THAT a Select Committee be appointed to inquire into the Plans and Estimates for the completion of the Buildings of the British Museum.*

---

*Mercurii, 20° die Junii, 1838.*

And a Committee is nominated of

Sir Robert Peel.

Mr. Estcourt.

Mr. Chancellor of the Exchequer.

Mr. Hawes.

Sir Robert Harry Inglis.

Mr. Thorneley.

Sir Philip Egerton.

Mr. Compton.

Mr. Marshall.

Lord Stanley.

Mr. Hume.

Mr. Bingham Baring.

Mr. Pease.

Lord Viscount Sandon.

Mr. Planta.

*Ordered, THAT the said Committee have power to send for Persons, Papers and Records.*

*Ordered, THAT Five be the Quorum of the said Committee.*

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## R E P O R T.

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THE SELECT COMMITTEE appointed to inquire into the PLANS and ESTIMATES for the Completion of the BUILDINGS of the BRITISH MUSEUM, to whom was referred an ACCOUNT of PROCEEDINGS adopted by the TRUSTEES of the BRITISH MUSEUM, in reference to the Resolutions of the Select Committee of the House of Commons ; and who were empowered to report the MINUTES of the EVIDENCE taken before them :—HAVE examined the Matters to them referred, and have agreed to the following REPORT :—

YOUR COMMITTEE will commence their Report by inserting the Copy of a Letter which was addressed to the Treasury by the Trustees of the Museum on the 8th of June 1837.

My Lords,

8 June 1837.

THE Trustees having had under consideration the state of the Museum Buildings, with reference to the completion of the original design, and to the accommodation which should be provided for the greatly increased number of persons who now visit and use the collections, have directed me, in order to give your Lordships an accurate view of the case, to transmit with this letter a Report drawn up by Sir Robert Smirke, together with a Plan which accompanied it.

These documents will show your Lordships the parts of the new Museum which still remain to be executed, and the amount of expense which will be necessary for their completion, and will also explain the method in which the Trustees wish to proceed, with a view to preserve access for the public to the collections with as little interruption as possible during the construction of the Buildings, and to afford at the same time the requisite convenience for carrying on the business of the establishment and for the artificers employed upon the works.

The South-west Building, marked green upon the Plan, will not, it is probable, be required for many years to come, and the sum proposed for its completion need not therefore be taken into present consideration.

The Trustees beg to express to your Lordships their earnest desire to finish the new Buildings of the Museum within the next five or six years. It appears from statements made to the Trustees by Sir Robert Smirke, that it will be greatly more economical to complete the work in such a time than to spread it over a longer period. Independently of the disadvantage of making contracts on a small rather than a large scale, the expenses of provisional arrangements of various kinds are much increased when works of the magnitude of those carried on at the Museum are advanced by slow and irregular steps. But it is to the rapid increase of the collections in the charge of the trust, and the equally rapid increase of visitors to the Museum, to which the Trustees would refer as circumstances which render any delay in the completion of the new Buildings highly inexpedient.

The influx to the Museum during the last three months, and particularly in the holiday weeks, which has been very great beyond precedent or expectation, induces the Trustees to request permission from your Lordships to finish in the

## REPORT FROM SELECT COMMITTEE

present year the southern gallery on the upper floor of the west wing. This gallery will afford space for the exhibition of the entire collection of bronzes, which are at present very imperfectly shown to the public, and that in remotely separate parts of the Museum. The £. 5,000 which, according to the Report of Sir Robert Smirke, will be required for this purpose, is part of an estimate already sanctioned by Parliament.

Sir Robert Smirke's estimate for the North-west Buildings, in which the new Print-room is to be placed, has been increased by the sum of £. 1,500, in consequence of an enlargement made by desire of the Trustees in the plan for the Print-room, subsequently to the letter which I had the honour to address to your Lordships on the 28th January last.

I have the honour to be, &c.

(signed)

*J. Forshall, Secretary.*

To this Letter the following reply was received from the Treasury to the Trustees of the British Museum :—

My Lords and Gentlemen,

Treasury Chambers, 27 June 1837.

HAVING laid before the Lords Commissioners of Her Majesty's Treasury your Secretary's Letter of the 8th instant, I have it in command to acquaint you, that at the present late period of the Session, My Lords do not consider it expedient to make any alteration in the estimates for carrying on the Buildings of the British Museum, now before Parliament.

Their Lordships would propose at an early period of a future Session to bring the question before The House of Commons, with the view of appointing a Select Committee, who should take the whole subject into consideration.

I am, My Lords and Gentlemen,

Your obedient Servant,

The Trustees of the British Museum.

(signed)

*F. Baring.*

Your Committee, having been appointed by this House in conformity with the desire expressed by the Lords of the Treasury, have proceeded to the consideration of the Plans prepared for the completion of those parts of the Museum which are immediately required for the public accommodation, and which are necessary to complete the General Plan of the new Buildings.

A reference to the accompanying Plans, and to the Report of Sir Robert Smirke of the 27th May 1837, which will be found in the Appendix, will clearly explain what is the portion of the General Plan which remains incomplete, and what is the estimated expense of completing the whole, and also of each separate compartment into which the whole may be divided.

The Documents above referred to, taken in connexion with the Evidence given to Your Committee by Sir Robert Smirke and Mr. Forshall, appear to Your Committee to present to The House very briefly, and yet very clearly, all the information which is requisite for the purpose of forming a judgment in respect to the advantage of proceeding at once to the completion of the unfinished Buildings, with no other delay than that which is absolutely required on account of the extent of the works to be undertaken and of their proper execution.

It is the opinion of Your Committee, that the combined considerations of public economy and public convenience strongly enforce the expediency of authorizing contracts,

contracts, and making provision without delay for the completion of the Buildings mentioned in the Report of Sir Robert Smirke, of which the following is the general summary :—

	£.
The North-west Building, for the Print-room, Library, &c. &c., estimated at £. 19,000, and since enlarged by direction of the Trustees	20,500
The South Front Building, extending between the Wings, with the Portico, Colonnade, &c., including all distinguished by the red tint in the accompanying Plan	82,000
The South-west Building, and the Colonnade adjoining it, and all that part coloured light blue on the Plan	60,000
The Gallery at the Western extremity of the South Front, coloured green in the Plan	10,000
Arrangements proposed in the Upper Floor of East Wing for the reception of the Zoological and Botanical Collections	3,000
The Officers' Houses, with the Secretary's Offices and Buildings, connecting them with the Museum	36,000
Probable Expense of the Iron Palisading along the South and East Fronts, Entrance Lodge, Dwellings for the Attendants and others, Guard-house, forming and paving the Front Quadrangle, &c. &c.	15,000
	<hr/>
	£. 226,500

It will be seen that, with the addition of 10 per cent. for contingencies, the total estimated charge is £. 250,000 to be spread over the period of five or six years, that being the probable time which will be required for the proper execution of the works.

To this sum of £. 250,000 there must be added the sum which will be required for the purchase of certain houses, 10 in number, and the site they occupy, which are the property of His Grace the Duke of Bedford. The Plans of Sir Robert Smirke are framed in some of their details upon the assumption, that the buildings and site above mentioned, together with any interests in existing Leases, can be purchased for a sum not exceeding their fair value.

If any difficulty on this head should arise, a corresponding modification of the Plans must be made, and Your Committee therefore recommend that immediate negotiations be entered into, under the directions of the Lords of the Treasury, for the purchase of the private property in question.

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## PROCEEDINGS OF THE COMMITTEE.

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*Luna, 18° die Junii, 1838.*

**SELECT COMMITTEE** appointed to inquire into the Plans and Estimates for the completion of the Buildings of the British Museum.

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*Mercurii, 20° die Junii, 1838.*

**Committee nominated :—**

Sir Robert Peel.	Mr. Marshall.
Mr. Estcourt.	Lord Stanley.
Mr. Chancellor of the Exchequer.	Mr. Hume.
Mr. Hawes.	Mr. Bingham Baring.
Sir Robert Harry Inglis.	Mr. Pease.
Mr. Thorneley.	Lord Viscount Sandon.
Sir Philip Egerton.	Mr. Planta.
Mr. Compton.	

**Power to send for Persons, Papers and Records.**

**Five to be the Quorum.**

Paper presented 18th June referred ; viz. Account of Proceedings adopted by the Trustees of the British Museum, in reference to the Resolutions of The House of Commons.

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*Veneris, 22° die Junii, 1838.*

**Power to adjourn from place to place.**

**The Committee met.**

Sir Robert Peel.	Mr. Bingham Baring.
Mr. Estcourt.	Mr. Pease.
Mr. Thorneley.	Mr. Planta.
Mr. Compton.	

**Sir Robert Peel was called to the Chair.**

The Committee resolved to meet at the British Museum, and adjourn until Wednesday, at Twelve o'clock.

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*Mercurii, 27° die Junii, 1838.*

Sir Robert Peel.	Mr. Thorneley.
Mr. Estcourt.	Mr. Hume.
Mr. Bingham Baring.	Lord Stanley.
Mr. Planta.	Sir Robert Harry Inglis.
Mr. Compton.	Mr. Pease.
Sir Philip Egerton.	

Letter from the Trustees of the British Museum to the Lords of the Treasury, 8 June 1837, and reply thereto, 27 June, respectively read.

Sir Robert Smirke examined.

J. Forshall, Esq., examined.

Proposed Report read 1°.

Report read 2°, and agreed to.

Return presented to The House 18th June, ordered to be printed in Appendix.

Ordered to report.

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## MINUTES OF EVIDENCE.

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*Mercurii, 27<sup>o</sup> die Junii, 1838.*

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**MEMBERS PRESENT :**

Mr. Estcourt.  
Mr. Bingham Baring.  
Sir Philip Egerton.  
Mr. Compton.  
Mr. Planta.

Mr. Thorneley.  
Mr. Hume.  
Lord Stanley.  
Sir Robert Harry Inglis.  
Mr. Pease.

**SIR ROBERT PEEL, IN THE CHAIR.**

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[The following Letter from the Trustees of the Museum to the Lords of the Treasury, and the Answer thereto, were read :]

27 June 1838.

My Lords,

8 June 1837.

The Trustees having had under consideration the state of the Museum buildings, with reference to the completion of the original design, and to the accommodation which should be provided for the greatly increased number of persons who now visit and use the collections, have directed me, in order to give your Lordships an accurate view of the case, to transmit with this letter a Report, drawn up by Sir Robert Smirke, together with a Plan which accompanied it.

This document will show your Lordships the parts of the new Museum which still remain to be executed, and the amount of expense which will be necessary for their completion; and will also explain the method by which the Trustees wish to proceed, with a view to preserve access for the public to the collections with as little interruption as possible during the construction of the buildings, and to afford at the same time the requisite convenience for carrying on the business of the establishment and for the artificers employed upon the works.

The south-west building, marked green upon the plan, will not, it is probable, be required for many years to come; and the sum proposed for its completion need not, therefore, be taken into present consideration.

The Trustees beg to express to your Lordships their earnest desire to finish the new buildings of the Museum within the next five or six years. It appears from statements made to the Trustees by Sir Robert Smirke, that it would be greatly more economical to complete the work in such a time than to spread it over a longer period. Independently of the disadvantage of making contracts on a small rather than on a large scale, the expenses of provisional arrangements of various kinds are much increased when works of the magnitude of those carried on at the Museum are advanced by slow and irregular steps; but it is to the rapid increase of the collections in the charge of the trust, and the equally rapid increase of visitors to the Museum, to which the Trustees would refer as circumstances which render any delay in the completion of the new buildings highly inexpedient.

The influx to the Museum during the last three months, and particularly in the holiday weeks, which has been great beyond precedent or expectation, induces the Trustees to request permission from your Lordships to finish in the present year the southern gallery on the upper floor of the west wing; this gallery will afford space for the exhibition of the entire collection of bronzes, which are at present very imperfectly shown to the public, and that in remote and separate parts of the Museum.

The 5,000*L* which, according to the report of Sir Robert Smirke, will be required for this purpose, is part of an estimate already sanctioned by Parliament.

Sir Robert Smirke's estimate for the north-west buildings, in which the new print-room is to be placed, has been increased by the sum of 1,500*L*, in consequence of an enlargement made by the desire of the Trustees in the plan for the print-room, subsequently to the letter addressed to your Lordships on the 28th of June last.

I have the honour to be, &c.

*J. Forshall, Secretary.*

## 8 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

27 June 1838.

My Lords and Gentlemen,

Treasury Chambers, 27 June 1837.

HAVING laid before the Lords Commissioners of Her Majesty's Treasury your Secretary's letter of the 8th inst., I have it in command to acquaint you, that at the present late period of the Session, My Lords do not consider it expedient to make any alteration in the estimates for carrying on the buildings of the British Museum now before Parliament. Their Lordships would propose at an early period of a future Session to bring the question before The House of Commons, with the view of appointing a Select Committee, who would take the whole subject into consideration.

I am, My Lords and Gentlemen,

Your obedient Servant,

To the Trustees of the British Museum.

*F. Baring.*

Sir *Robert Smirke* and the Rev. *Josiah Forshall*, called in ; and Examined.

Sir R. Smirke and  
Rev. J. Forshall.

1. Chairman (to Sir *Robert Smirke*.)] HAVE you in your hand the plans ordered by the House of Commons to be printed on the 14th of July 1836 ?—I have.

2. Do those plans show the present state of the buildings ?—They do.

3. The plan on the ground floor of the Museum shows in the part which is coloured black, that part of the buildings which is already completed ?—It does.

4. The remaining parts, which are shaded in a lighter colour, being the parts which require to be completed in order to fulfil the original design of the building ?—Those parts not shaded at all are the parts that remain to be built, and they are shown in outline only.\*

5. Nothing has been done since the 14th of July 1836, which makes this plan incomplete or insufficient ?—Nothing whatever.

6. Have you an estimate of the cost of the buildings which remain to be completed, supposing the original design be adhered to ?—I gave the trustees in May last year an estimate of the different parts of the building that remain to be carried into execution, and the order in which I would recommend them to be done, with the arrangements to be observed in order to keep the Museum open to the public during the execution of the works ; probably, it will be advisable to read that report.

7. Mr. *Hume*.] Was a copy of that sent to the Treasury ?—Yes.

[*The same was delivered in and read, as follows :*]

Sir,

Stratford-place, May 27, 1837.

In compliance with the desire of the Trustees, I beg leave to submit to them the following statement of the estimated expense of completing the buildings of the Museum, according to the original plans.

The north-west building, for the print-room, library, &c. &c. estimated at 19,000 <i>l.</i> , and since enlarged by direction of the trustees	—	—	—
The south front building, extending between the wings, with the portico, colonnade, &c. including all distinguished by the red tint in the accompanying plan	—	—	—
The south-west building, with the colonnade adjoining it, and all that part coloured light blue on the plan	—	—	—
The gallery at the western extremity of the south front, coloured green in the plan	—	—	—
Arrangements proposed in the upper floor of the east wing, for the reception of the zoological and botanical collections	—	—	—
The officers' houses, with the secretary's offices and buildings, connecting them with the Museum	—	—	—
Probable expense of the iron palisading along the south and east fronts, entrance lodge, dwellings for the attendants and others, guard-house, forming and paving the front quadrangle, &c.	—	—	—

<i>f. s. d.</i>
20,500 — —
82,000 — —
60,000 — —
10,000 — —
3,000 — —
36,000 — —
15,000 — —
<hr/> <i>f.</i> <i>226,500 — —</i>

To this sum I consider it would be necessary to add 10 per cent. to meet the contingent expenses that must be expected to arise in the execution of the buildings, the details of which cannot, in many respects, be fully determined at this time, making the probable expense of completing the buildings about 250,000*l.*

It

\* These answers refer to the Plan annexed to the Report of the Select Committee of July 14, 1836. In the Plan attached to the present Report, all those parts of the building which are not yet raised are distinguished by colour.

## ON THE BRITISH MUSEUM.

9

It is proper for me to add that these estimates do not include the expense of arranging Sir R. Smirke and any collections that may be placed in the galleries, but of preparing the buildings in every Rev. J. Forshall respect to receive them.

I have also further to state, that the opinions I have here submitted as to the probable expense of the buildings, are founded upon a reference to the terms upon which the last contracts for the works have been made, and I have no doubt that similar contracts would be taken at this time upon the same average terms; but should the progress of the buildings be continued in the same slow and uncertain manner as it has hitherto been (having to the present time occupied a period of 14 years since their commencement), I cannot give any assurance that my estimates will, under such circumstances, be found correct.

27 June 1838.

The balance remaining unexpended of my estimates for the buildings now in progress will be sufficient to defray the expense of every thing necessary for their completion and use, and of this balance the sum of 5,000*l.* will be required for the finishing of the large south gallery on the upper floor of the west wing, which it is, I believe, the wish of the trustees to proceed upon this year.

This sum would not be expended upon the gallery alone, but will be required in order to finish, at the same time, all the parts adjoining it.

I beg leave to take this opportunity of submitting to the trustees the arrangement and order which appears to me desirable for the future progress of the buildings, in order to afford the convenience required for the workmen employed in their construction, and at the same time to preserve access for the public to all the galleries with the least interruption.

The library of printed books will be removed from the old mansion in the autumn of this year, and the collections of mineralogy into the north galleries next year; but the trustees are fully aware of the necessity of building the print-room, and other rooms adjoining that, before any arrangement for the reception of the botanical and zoological collections can be made in the upper galleries of the east wing; and until these collections are removed, no part of the old mansion can be taken down.

When the collections are removed from the old mansion, I have to recommend that only the northern division of it should first be taken down, leaving the south division, with the front quadrangle, in its present state.

The public may then continue to have access by the hall and staircase, through the south rooms, to the upper galleries of the east wing, and through the Townley gallery, as at present, to the Egyptian and Greek galleries, until the south buildings are erected and completely finished, except as to the portico, which could be added afterwards; and when the south division of the old mansion is afterwards taken down, it will not be difficult to provide a convenient temporary approach for the public to the new front buildings during the building of the portico and colonnade.

The approach for the workmen and materials for these works would be from Great Russell-street, through the court-yard and garden on the west side of the apartments now occupied by the principal librarian and others.

When the south-west buildings are carried into execution, a temporary communication may be made with the Egyptian gallery, from the west end of the new south buildings, or the public going to the galleries of antiquities may, without inconvenience, cross the quadrangle from the hall, and enter at the north-west staircase.

As the officers' houses are proposed to stand in a situation detached from all the buildings of the Museum, they can be carried into execution at any time when the site for them has been obtained.

I remain, Sir,

The Rev. J. Forshall,  
&c. &c. &c.

Your very obedient Servant,  
(signed) Robert Smirke.

8. Lord Stanley.] This report and estimate does not include some buildings marked upon the plan "Proposed additional room for printed books, &c." upon the east side of the royal library?—The plan was made to show where additional space might be provided for books should it be required at any future time.

9. Chairman.] What is the amount of the unexpended balance of former grants?—Thirteen thousand three hundred and ninety-six pounds.

10. Are there any demands outstanding upon that balance?—None.

11. Is that a saving upon the original estimate?—No, the works are not finished; that sum is part of the original estimate, but the money has never yet been voted; it is for interior finishings; the exterior is all built.

12. Will that balance be sufficient to complete those finishings?—Quite so.

13. The estimates for the buildings have not been exceeded?—They have not.

14. The balance of 13,396*l.* will provide for all the works originally contemplated in that part of the building?—For all.

15. Has consideration during the interval that has elapsed induced you to think that any material modifications in the plan might be advisable?—Not at all.

16. You still adhere to the plan as originally proposed?—I do.

545.

B

17. Do

10 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Sir R. Smirke and  
Rev. J. Forshall.

27 June 1838.

17. Do you think the estimate as given in of that plan, with the provision of 10 per cent. for contingent expenses, will at present prices complete the work?—If a contract could be made for the whole, it would certainly; but if the work is done in small parts only, as it has been recently, no general agreement can be made, and the expense cannot be calculated with accuracy.

18. Would there be any difficulty, on account of the magnitude of the works, or the nature of them, in forming such contracts, supposing Parliament were to determine upon the immediate completion of the buildings?—Not the least.

19. Assuming that Parliament should decide upon the adoption of the plan, you think it would be to the public interest, in point of economy, to proceed to the immediate completion of the works?—There cannot be a doubt about it; there are many expenses that have been incurred for temporary arrangements, which would be avoided in future by that course.

20. So far as the accommodation of visitors is concerned, and the facility of exhibiting what we possess, there can be no doubt whatever that the interests of the public require the immediate completion of the work; so that both economy and the convenience of the public combine to recommend the immediate completion of the work?—I think so.

21. *Lord Stanley.*] When you say "immediate," over how many years do you contemplate that the necessary vote should be spread for the purpose of carrying the work into execution?—The work could not be well done in less than five or six years under any circumstances.

22. Have you been able to form any estimate of the portions of the work which might be accomplished in each year, and the distribution of the work as it proceeded?—Not of the portions to be done each year, but of the order to be taken in the different portions of the building, I have.

23. Would the order materially affect the proportions in which the gross sum of 250,000*l.* would probably be distributed over the votes of successive years; would you, for example, require nearly one-fifth in each year, or would you in either the earlier or the later years require a larger proportion?—I do not think there would be any difference in that respect; the expenditure might be equally distributed over the whole period.

24. *Chairman.*] In the case of works which would not be completed till the lapse of five or six years, would there be any difficulty in making an immediate contract which should extend over the whole period?—Certainly not.

25. *Mr. Hume.*] Would you find any difficulty in obtaining a contract now to complete the whole within five years?—Certainly not.

26. You have stated that there are certain expenses which are now incurred, and which would be saved if the works were proceeded with and completed within a certain time; what are those expenses?—There are the expenses of a clerk of works, gatekeepers and other persons in charge of the unfinished buildings; there is also considerable expense incurred in temporary arrangements made for the convenience of the public; for instance, a room not intended originally for the print-room, nor intended to ultimately remain as the print-room, has been fitted up at a considerable expense for the reception of the prints and drawings, and the accommodation of the public using them; in the same way with respect to the zoological collections, a small part only is at present in the situation that they are intended to have; these and many other similar arrangements occasion a good deal of expense.

27. Are the Committee to understand that there are collections sufficient to fill the whole of those buildings if they were erected?—I cannot answer that question.

28. (*To Mr. Forshall.*) Are you able to state how far the collections now in the possession of the trustees, or those they may fairly expect to receive in the course of five years, looking at the average of your receipts heretofore, would fill the new buildings, or would require the whole of the accommodation which these new buildings are to afford?—It is difficult to say how far, at the end of any given period, the collections might fill the whole of the buildings; but, in order to avoid the inconvenience and expense of frequent re-arrangements, they would require the whole extent of accommodation which the buildings afford. To give the Committee a distinct view of the case, it may be advisable to speak of the collections in the several departments into which they are divided.

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In the department of printed books, the collections we now have will nearly fill the buildings at present erected. The accessions of printed books, looking to the continued liberality of Parliament, stimulated as that will probably be by the increasing claims of the scientific and literary public, may be calculated for the next 12 years at 8,000 volumes annually. The extraordinary accessions which may be made, if any distinguished individual should exercise his liberality towards the Museum by bequeathing or presenting a large collection of books; or if the trustees should have an opportunity of acquiring such a collection by purchase, occurrences which have frequently had place in the history of the Museum, I do not take into consideration in this estimate. The building shown on the plan as to be raised at the west end of the north front, will afford room for about 100,000 volumes in addition, that is, it will probably afford room for the ordinary accessions for 12 years. Now, supposing that this building is immediately raised and made fit to receive books in four years from this time, and that the present buildings will certainly take all the acquisitions for four years, we should then have space for the increase of the library for 16 years to come. After that, we must look to those other additional buildings shown in the plan upon the east side of the King's library.

29. Lord Stanley (to Sir Robert Smirke.)] The additional space along the royal library, for what number of volumes will that provide upon a rough estimate?—Nearly 85,000 volumes.

30. Mr. Hume.] Does that accommodation include also the requisite number of reading-rooms connected with the book department?—(Mr. Forshall.) The reading-rooms already built, which will be occupied in the course of the next six months, will, as I presume, afford sufficient space to the readers for the next 16 years. But it is extremely difficult to calculate upon the demands of the future. The increase of visitors, both to the general collections and to the reading-rooms, has been so great beyond expectation within the last five or six years, that I could not venture to pledge my opinion as to the future, especially considering the progress of education in the country, and the consequent increased attention which will be drawn to the literary collections in the Museum.

31. Then, if that increase of demand from the public has been so much greater than you expected, is not that a very strong reason why the public should prepare such additional rooms for the additional increase to which the present plans refer?—Unquestionably a very strong reason; and I may observe, that in case of any sudden increase in the number of readers at the Museum, so that accommodation could not be found in the reading-rooms about to be occupied, there would be no difficulty for a while in placing such readers in the royal library, which affords ample space for such a purpose.

As to the department of manuscripts, there is space enough unoccupied in the rooms already built for about 10,000 volumes, in addition to the existing collections. The Museum contains at present about 25,000 volumes. The room which is to be raised to the west of the present great manuscript room is also intended for additional collections of manuscripts. How many volumes that room will contain, I am unable accurately to state, but I calculate roughly that it will hold at least 10,000 volumes more.

32. You mean the room east of the entrance hall, not yet built?—Yes.

33. In continuation of the others?—Yes.

34. It joins those now allotted to that department, and the whole of the manuscripts then would be contiguous?—Yes.

35. Then you do not contemplate any additional room for manuscripts beyond that which you have now stated?—No, I do not contemplate that such will be required within the period of which I have been speaking; at the same time there is a possibility of very great extraordinary accessions to the manuscript department. The increase of manuscripts by ordinary means of acquisition has been about 400 or 500 volumes a year upon an average of the last 12 years.

36. Lord Stanley (to Sir Robert Smirke.)] In your general estimate, are the rooms included which are marked as "Rooms proposed for receiving, sorting, &c.," or are they such as might be added, if necessary?—Such as might be added, if necessary.

37. Mr. Hume.] They are on the east side, in continuation of the rooms you propose to be added for printed books in case of necessity?—Yes.

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(*Mr. Forshall.*) The zoological collections are to be placed on the upper floor. To begin with the south front: the great saloon, the room adjoining it to the north-east, and the large room at present occupied by the general collection of birds still further to the east, will probably be devoted to the mammalia; the birds and shells will be placed in the present gallery of minerals over the royal library; the fishes, reptiles and zoophytes are designed for the rooms in the south division of the north wing; so that the whole zoological collections will be quite continuous except insects, which will be deposited in the room at the extreme north-west, shown on the plan, but not yet built.

38. *Mr. Hume.*] Part of the additional building before alluded to?—Yes; the insects being a collection of which only a small portion can ever be exhibited to the public, because the light soon destroys the colours; but all the zoological collections exhibited to the public will be continuous.

The rooms on the north front of the north wing will contain the mineralogical and geological collections, also continuous.

39. What is the length of the east wing altogether?—The extreme length from north to south is upwards of 500 feet.

40. Then there would be 900 feet for the natural history department?—About 800 feet in length for the zoological department, including the rooms in the south front. The whole extent for natural history exhibited to the public will be about 1,200 feet; the buildings affording a double set of rooms in the north front. This calculation does not include the botany. The botanical collections will be placed in the two rooms in the south end of the east wing, which will probably allow sufficient space for any additions to this department which the Museum is likely to acquire for many years; but if there should be an unexpected extension of this department; it will be possible to add one of the contiguous rooms in the south front.

41. Adjoining that proposed to be added for the zoological collections over the room intended for additional manuscripts?—Yes.

42. *Sir Philip Egerton.*] Will you state what space you have for the prospective increase of those collections?—With regard to the zoological collections, the rooms I have specified will admit as fine a collection of zoology as one can at present reasonably anticipate to be necessary for exhibition. It is impossible to foretell to what extent the several kingdoms of nature may be developed, and how far new species may be discovered or ascertained; but the suite of rooms I have described will form a finer gallery of zoology than any which, to my knowledge, exists in the world.

43. *Lord Stanley.*] Can you state what will be the increase of space for the zoology, as compared with the present?—I think treble, at the least.—(*Sir Robert Smirke.*) There are now in the Museum 4,400 superficial feet of wall cases for the collections, and there will be, when the buildings are completed, 16,100 feet.

44. *Mr. Hume.*] How high do you take the elevation of those cases?—Eight feet.

45. What is the distance between that and the ceiling, in case you are pressed for more room?—Twelve.

46. So that you would even then have as much room again, in case of need?—Yes; the French cases are 11½ feet high.

47. *Sir Philip Egerton* (*to Mr. Forshall.*)] In your preceding calculations, do you include the mineralogical collection?—The collections of minerals and fossils are to be deposited on the north side of the north front. The four rooms to the east will contain the mineralogical collection, which is extremely good. It is not the intention of the trustees at present to increase greatly the specimens of mineralogy exhibited to the public. These rooms will, however, provide for the reception of a much larger collection of minerals than we have, perhaps for three or four times as many specimens, by means of drawers fixed under the table cases, which may be taken out when the specimens are required for particular reference, substituting from time to time in the table cases, for any specimens not particularly instructive, others which are more so, as they may be obtained, and putting the less instructive specimens in the drawers below.

48. *Mr. Hume.*] What has been the increase of late years in the mineralogical collection?—There has been a very considerable increase in the value of the specimens, but not so great an increase in the number. The trustees have laid out,

out, perhaps, upon an average, 500*l.* a year for the last ten years in improving the collection of minerals, and we have also received some liberal presents of very valuable specimens, and the collection may now, I believe, be considered one of the finest in the world.

That part of the geological collection which consists of organic remains comes next to be considered. A large portion of this collection consists of specimens of great size, the mammalia for instance, and the saurian, are, for the most part, very large specimens. These and the fishes will require to be exhibited in side cases against the wall ; and it is proposed to arrange them along the walls of the mineralogical gallery, the minerals requiring chiefly table cases, giving to such other organic remains as will be best shown in table cases the floor of the remaining room to the west, already built, and reserving the room of 60 feet by 22, yet to be raised, for stratographical collections, or collections of rock specimens.

49. You think the space you have now stated will be amply sufficient for any increase that you can fairly look to ?—I think so ; that is, within the period to which my evidence is limited ; but there may be a difference of opinion upon that subject. The science of palæontology is at present very far from maturity.

50. What is the next department ?—The next department in the order of the buildings is that of prints and drawings ; these will be placed in a room not yet built, but which is shown in the plan, near the north-west extremity, contiguous to the departments of printed books and antiquities.

51. Is that the large 60 feet room ?—No, it is a room on the ground floor, to the south of the north-west extremity ; it contains not only our present collections, but at least double what we now have.

52. Does that include the architectural drawings ?—The Museum possesses very few architectural drawings, but it will contain what there are.

The only remaining department is that of antiquities, coins and medals ; for that department we have on the ground floor the whole of the west wing and the projecting galleries adjoining it to the west, and a part of the south front, and on the first floor the whole again of the west wing, with a like part of the south front : I should except, however, a portion of the south front to the west on the ground floor, which is to be occupied by rooms for the meetings of the trustees, and for the transaction of the general business of the Museum.

53. Lord *Stanley.*] Will you state in what manner it is proposed to distribute in that space the different antiquities ?—The large Egyptian antiquities are on the ground floor at the north end of the west wing, occupying the gallery as far as the centre. In the central saloon at present there are Etruscan, Persepolitan and some miscellaneous antiquities. In the gallery adjoining the principal objects are the Phigalian marbles, and in the large gallery further to the west the Elgin marbles. Then in the gallery which is to be built to the south, it is designed to arrange the Townley and other collection of Greek and Roman marbles.

54. That room proposed to be built includes the space now occupied by the Townley gallery ?—Yes, with a considerable addition.

55. Mr. *Hume.*] That will be a space of how many feet long ?—The great gallery will be more than 380 feet from one end to the other. The gallery in the south front, between this great gallery and the entrance hall, might be appropriated to British antiquities, so that the collections of marbles would thus be arranged in their natural order, Egyptian, Etruscan, Greek, Roman, British. On the first floor of the west wing, beginning at the north end, there are at present the smaller Egyptian antiquities and the small Etruscan antiquities, including the vases ; there will follow the small Greek, Roman, British and miscellaneous antiquities, occupying the whole extent of those galleries as far as the extreme south, where will be rooms for the coins and medals, and for the use of the officers employed upon them.

56. Lord *Stanley.*] Is not it essential, with regard to the peculiar value of the collection of medals, that the room should be an end room, not a passage room ?—Certainly ; for security's sake, it should have as few points of access as possible.

The gallery on the first floor of the south front, between the west wing and the great saloon, will contain the collections illustrating the manners and habits of less civilized nations, what are sometimes technically called ethnographical collections, such as the dresses, implements and other curiosities from the South Sea Islands, from the Indian tribes of North America, &c., at present arranged

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up stairs in the first room of the old house. These artificial curiosities form a collection very popular and generally interesting.

57. Mr. Hume.] Has it ever been in the contemplation of the trustees to have a museum of models similar to that which is kept at Brussels and other parts on the continent?—Never, so far as I know; I have seen the collection of models of machinery at Brussels, and think it extremely instructive and useful. It would be very desirable to have a good collection of this kind in our own country, but whether it should be at the Museum or not may admit of question. There is, I believe, a small collection here in London, at the Society of Arts.

58. Would there be in any part of the building ground accommodation for that in case it should be desired?—(Sir Robert Smirke.) It would be very difficult to reserve any; there have been already within the last two years new arrangements adopted, requiring a large space, for which no provision was made in the original plans; I mean those for the manufacture of casts in plaster from the marbles, and for the deposit of the moulds.

59. Why has that addition been made to what was contemplated in the original plan?—On account of a large establishment for moulding, a large part of the basement story of the west wing will be filled with the moulds of marbles and bronzes.

60. (To Mr. Forshall.) What use have you made of that establishment?—A great number of casts have been already made and disposed of from the Elgin marbles, and some few from the Townley collection; one complete set from the Elgin marbles has been sent lately to the King of the French by order of the Government.

61. Have any applications been made from any institutions in this kingdom for copies of any of them?—Yes, some; nearly a complete set of casts from the Elgin marbles has been sent to Edinburgh to the trustees for arts there; the pieces, in short, which they had not previously; some have also been sent to Dublin.

62. Is there any great expense attending that?—A considerable expense; the cost of a complete set of casts from the Elgin marbles is three hundred and fifty guineas. To give the Committee an idea of the extent of a complete set of these casts, I may mention that the cases I shipped for Paris a few weeks ago measured 68 tons.

63. Is that done at the expense of the parties seeking it, or is it at the expense of the Museum?—At the expense of the parties seeking it.

64. Did you send those marbles to Edinburgh at the expense of the Edinburgh Society?—The Museum was reimbursed by the Treasury.

65. Did you send them to Dublin at the public expense?—No, that was a private donation, a present from a lady to the Royal Hibernian Academy.

66. Will the trustees give it to any society so applying, provided the society pay the expense?—Yes; all the casts are sold at as low a price as possible, so as to avoid loss.

67. By whom are they sold?—By the trustees.

68. Lord Stanley.] If application were made for a cast from a particular individual, what course would be taken?—The person making the application would be told the price at which he might have it; the price is calculated just to meet the expense incurred.

69. Is not this the case, that if there are a certain number of copies of casts ordered from any of the statues in the Museum, a mould is made, and the expense of making the mould is distributed among the number of persons so applying?—Not always exactly so, but over the whole number of casts which we may reasonably expect to sell.

70. (To Sir Robert Smirke.) Will you state what would remain to be provided for, in the way of fitting up, beyond the 250,000*l.*, how far will that 250,000*l.* go in putting the rooms in a state fit for occupation?—That estimate includes the finishing of the rooms completely in every respect for occupation, and to receive the cases, but not the expense of cases, as it cannot be known now what cases will be required.

71. Building and finishing, but not fitting up?—Fitting up, so far as regards the completion of the rooms, so that nothing will be wanted but the cases or other furniture necessary for the exhibition of the objects.

72. Flues for warming, and every thing of that description, will be included?—Every thing.

It

It is necessary that I should mention that I do not include in the expense the cost of several houses which it will be necessary to purchase whenever the officers' apartments are built. The ground that belongs to the Museum at this time is sufficient to receive all the buildings of the Museum, but to place the proposed officers' apartments where they must be built, as laid down on the plan, will require the purchase of some houses on each side of the Museum in Great Russell-street.

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73. Mr. *Hume.*] Do you consider it necessary that apartments for the officers should be built in connexion with the establishment?—That has been so directed by the trustees; it has been considered by them as necessary that the heads of the different departments should reside within the walls. The proposed apartments are only for the principal officers of the chief department.

74. Lord *Stanley.*] Supposing that those houses were not purchased, what alteration would it make in the plan and estimate you have submitted to the Committee?—Thirty-six thousand pounds is the amount I have estimated for those houses, including with them the secretary's offices and the low buildings connecting the houses with the Museum.

75. In what manner would those houses affect the outward appearance of the buildings in the front?—A good deal of the expense attending the erection of those houses is caused by their being made of stone, and in character with the main building. If the site of those officers' houses and offices were not purchased and made a part of the whole plan, the existing boundary walls must remain close to each side of the main building, and narrowing the front court or quadrangle.

76. Mr. *Hume.*] And that site would give the quadrangle an additional space of 70 feet on each side?—Yes, and more, as will be seen by the plan.

77. Mr. *Pease.*] How many dwelling-houses are proposed?—Four on one side, and three on the other.

78. Sir *Philip Egerton.*] If those two spaces on the east and west of the main building were not occupied by houses, what would be the effect upon the appearance?—I am persuaded that when the buildings were finished, the houses on each side would be sooner or later purchased and taken down, in order to lay open to view the front of the buildings. So large a building as this, hemmed in closely on each side by the party walls of the houses now standing, would have so unsightly an appearance that I cannot think the public would be satisfied with it as a permanent arrangement, unless the ground was cleared.

79. Sir *Robert Inglis.*] Your plan proposed, that there should be no access to the front of the Museum, except through the entrance gate?—None.

80. Mr. *Compton.*] Supposing the plan of building houses for the principal officers should be given up, would it not be necessary to build houses for other inferior officers living within the precincts of the Museum, for the care of the buildings and collections?—Of course, some must be built.

81. Mr. *Hume.*] What officers would you require; supposing the rooms containing the various collections were locked at a certain hour, and the building placed in the custody of watchmen, with other servants, would you require persons to live within the walls?—(Mr. *Forshall.*) I consider it quite necessary for the safety of the collections that one officer of each department should have his usual residence upon the premises; in case of accident by fire, for instance, great risk would be incurred of losing some of the most valuable objects, which might be saved if an officer familiar with them were upon the spot.

82. Is there not much more likelihood of danger by fire from a considerable number of families living within the walls than if there were none?—(Sir *Robert Smirke.*) The houses are quite detached; they are connected with the main body of the building, but at a distance of about 80 feet; no fire taking place in the officers' houses could injure the building; they would be connected by a passage, but it is merely a passage, and perfectly fire-proof.

83. Lord *Stanley* (to Mr. *Forshall.*)] Is not it of great consequence that the heads of the different departments should be enabled to take to their own houses, for evening study, various books, papers and articles out of the collections in the Museum?—It is a very great advantage indeed, and almost essential to the proper performance of their duties.

84. Is it not one of the statutes of the Museum, that no articles belonging to it should be taken without the walls?—Yes.

## 16 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

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85. Mr. *Hume.*] In practice, do the officers make use of the collections to any extent in this manner?—Yes, certainly, to a great extent.

86. *Chairman.*] What is the estimated cost of each house?—(Sir *Robert Smirke.*) They are of different sizes; the average is about 5,000*l.*

87. *Chairman.*] Have you any estimate of the cost of purchasing the houses which now occupy the site which will be required?—No.

88. Have you formed any opinion at all of the probable amount?—I have not.

89. Postponing for a moment the consideration of the manner in which it may be desirable to appropriate the site of these houses, you are still of opinion that the possession of the site which those houses occupy is of very great importance, at least to the appearance of the Museum?—I am persuaded that it is so; and that the purchase of the houses on each side will be made at some time or other subsequently to the completion of the building.

90. Lord *Stanley* (to Mr. *Forshall.*)] Has any representation been made to the Treasury upon the point of the expediency of purchasing those houses?—Yes; the following is an extract from a letter to the Lords of the Treasury, dated the 28th of January 1837:—“ I am further to bring under the consideration of your Lordships the propriety of endeavouring without any delay to obtain by purchase from the Duke of Bedford so much of the land on each side of the front of the Museum as will ensure spacious and handsome access to the new buildings, and provide a suitable site for the residences of those officers and servants whose constant attendance is requisite for the protection of the building and the collections; this acquisition is necessary in order to carry into execution the original plans of the Museum sanctioned by the Government in 1823. So soon as your Lordships are pleased to signify your consent to a negotiation on the part of the trustees, they will enter into correspondence with the Duke of Bedford, and lay before your Lordships the terms upon which the land can be obtained; I have the honour to transmit a letter upon these several points from the architect, and plans which will enable your Lordships to perceive more clearly the objects of the trustees.”

91. Mr. *Hume.*] Did you get any answer to that letter?—The answer to the letter was a verbal answer made by the Chancellor of the Exchequer in this room, which verbal answer led to the correspondence of June 1837, already laid before the Committee.

92. Does that verbal answer appear upon the trustees' minutes?—It does: the following is an extract from the minutes of 28th April 1837: “The Chancellor of the Exchequer opened the meeting by stating, that the Government had deferred to make any reply to the Secretary's letter of the 28th of January, seeing that, in considering the points of that letter, suggestions had offered themselves respecting the plan of the new buildings, upon which, before any decision was come to by the Government, he wished to have an opportunity of ascertaining the opinion of the trustees; that he had, however, no difficulty in promising the sanction of the Treasury to the first request made by the trustees in the letter of the 28th of January, namely, the expenditure necessary to the completion of the gallery in the upper floor of the north wing, that being the work of which the estimate had been allowed by Parliament.”

93. (To Sir *Robert Smirke.*) If those houses were not built, that would reduce your estimate by about 36,000*l.*?—It would.

94. Lord *Stanley.*] Against that 36,000*l.* would have to be set in the way of expenses the allowance to be made to different officers for furnishing themselves with apartments, setting aside the question of the propriety or impropriety of their residing within the walls, and also setting aside the injurious effect upon the architectural appearance of the building?—Yes, and also the expense of providing equal accommodation elsewhere for secretary's and other offices comprised in those buildings.

95. Mr. *Hume* (to Mr. *Forshall.*)] What are the officers with respect to whom you think it important that they should reside in the Museum?—The principal librarian, the secretary and the keepers of the five chief departments, namely, the keeper of the manuscripts, the keeper of the printed books, the keeper of the minerals, the keeper of the zoology and the keeper of the antiquities.

96. Are they all resident within the walls now?—Yes, until recently eight officers were lodged in the Museum. The office of secretary was held by one of the librarians, and therefore there was no separate residence necessary for that officer; but residences were provided for the senior officer of each of the four departments

departments into which the Museum was divided, and for three of the four assistant officers, it being impossible to provide for the fourth. Sir R. Smirke and Rev. J. Forshall

97. What are the salaries of the seven officers you mention?—They vary; the highest salary is 800*l.* a year, and the lowest is 450*l.*

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98. Lord *Stanley.*] In consequence of a recommendation of the Committee of the House of Commons two years ago, were not considerable alterations necessary to be made with respect to the different departments to carry into effect the recommendations of that Committee?—Yes.

99. In all of those, was not the question of residence one which led to considerable discussion and difficulty?—Yes, it was.

100. Mr. *Hume.*] What difficulty do you allude to?—The difficulty of arranging, so that no more officers than appeared to be absolutely necessary for the safety of the collections should be provided with residences, and of avoiding as far as possible all claims to compensation from those who were in the actual or prospective enjoyment of apartments.

101. Lord *Stanley* (to Sir *Robert Smirke.*)] In order to carry into execution the whole plan, would it not be absolutely necessary that the existing residences of the officers should be removed?—A part of them must be removed before the front can be completed.

[Adjourned.

## A P P E N D I X .

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### AN ACCOUNT of any PROCEEDINGS adopted by the Trustees of the BRITISH MUSEUM in reference to the Resolutions of the Select Committee of the House of Commons ; in continuation of the Return No. 516 of 1836 (and of the Return No. 409 of 1837.)

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Appendix.  
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Proceedings  
adopted by  
Trustees.

*Resolution 5.* THAT in filling up vacancies (in the trust), it would be desirable that the electing Trustees should not in future lose sight of the fact, that an opportunity is thus afforded them of occasionally conferring a mark of distinction upon men of eminence in literature, science and art.

Since the last Return two vacancies have occurred among the elected Trustees, by the death of the Earl of Eldon and of Lord Farnborough. These vacancies have been filled by the Earl of Carlisle and William Richard Hamilton, esq.

*Resolution 6.* That the extension of the collections which has taken place, and the still greater extension which may be looked for, render a further division of departments necessary; and that at the head of each department there be placed a keeper, who shall be responsible for the arrangement, proper condition and safe custody of the collection committed to his care.

From the 25th March 1837, the department of Natural History has been divided into three branches, and since 25th December 1837 the custody of the collections in the print-room has been independent of the keeper of the antiquities. The departments into which the whole Museum is now divided are,—

1. Manuscripts.
2. Printed Books.
3. Mineralogy, including Fossil Remains.
4. Zoology.
5. Botany.
6. Antiquities and Coins.
7. Prints and Drawings.

*Resolution 8.* That whenever there may be a vacancy in the office of Principal Librarian or in that of Secretary, it is desirable that the distribution of the duties now discharged by those officers respectively, including the expenditorship, be reconsidered, and that the office of Secretary be not combined with the keepership of any department.

From 25th March 1837, the duties of the Principal Librarian and of the Secretary have been distributed in the manner described in the Return of 1837.

*Resolution 9.* That it is desirable that the hours during which the Museum shall be open on public days be hereafter from ten o'clock until seven throughout the months of May, June, July and August, and that the reading-room be opened throughout the year at nine o'clock in the morning.

*Resolution 10.* That it is desirable that the Museum be hereafter opened during the Easter, Whitsun and Christmas weeks, except Sundays and Christmas-day.

From 25th March 1837, the holidays observed at the Museum have been limited to Christmas-day, Ash Wednesday and Good Friday; the Museum has been open to the public every week in the year except for the first seven days of January, May and September respectively; the hours have been from ten o'clock to seven in the months of May, June, July and August, and from ten to four in the remainder of the year. During the Christmas, Easter and Whitsun weeks, it has been open every day except Saturday. The reading-rooms have been open every day, except those above specified, from nine in the morning until seven in the evening from the month of May to that of August inclusive, and from nine until four during the remainder of the year, and the other minutes of the Trustees in respect to these Resolutions have in like manner been carried into effect.

There

There visited the general collections—

Appendix.

In the year ending 25th March 1837	-	-	-	-	356,740 persons.	Proceedings adopted by Trustees.
And in the year ending 25th March 1838	-	-	-	-	313,150	
The number of visitors in the Easter week 1837 was	-	-	-	-	36,223	
" Whitsun week 1837	-	-	-	-	48,943	
" Christmas week 1837	-	-	-	-	9,780	
" Easter week 1838	-	-	-	-	27,658	
" Whitsun week 1838	-	-	-	-	17,217	

In the year ending 25th March 1837 the number of persons who attended the reading-rooms was - - - - - 61,874

In the year ending 25th March 1838 - - - - - 69,064

*Resolution 11.* That it is expedient that the Trustees should revise the salaries of the establishment, with the view of ascertaining what increase may be required for the purpose of carrying into effect the foregoing Resolutions, as well as of obtaining the whole time and services of the ablest men, independently of any remuneration from other sources; and that when such scale of salary shall have been fixed, it shall not be competent to any officer of the Museum paid thereunder to hold any other situation conferring emolument or entailing duties.

The following appointments have been made :

#### SECRETARY'S DEPARTMENT.

Senior Clerk, Mr. Thomas Butler, 18th April 1837 (previously employed in the Museum).  
Junior Clerk, Mr. Robert Gandell, 19th December 1837.

Attendants, Frederick Grant Bush, 4th April 1837.

" John Kemp, 4th March 1837.

" Richard Thomas Scott, 10th May 1837.

#### READING ROOM.

Junior Superintendent, Mr. John Graham, 25th March 1837.

Assistant Superintendent, Mr. Edmund Bach, 2d January 1838.

#### DEPARTMENT OF PRINTED BOOKS.

The offices of Second Assistant Keeper and of Third Assistant Keeper have become vacant by the death of Mr. Armstrong and by the resignation of Mr. Glover, and these offices have been abolished.

First Assistant, Mr. John Winter Jones, 18th April 1837 (in consequence of Mr. John Graham having vacated his situation).

The following supernumeraries have been engaged *pro tempore* :

To assist in transcribing titles into catalogues :

1. Mr. H. W. Fernyhough, 16th April 1838.
2. Mr. — (engagement resolved upon 9th June 1838; the person not yet appointed).

To assist in removing books into new building :

- Assistants, 1. Mr. Thomas Watts, 17th January 1838.  
 " 2. Mr. George Bullen, 22d January 1838.  
 " 3. Mr. C. W. Russell, 27th January 1838.  
 " 4. Mr. N. W. Simons, 30th April 1838.

Attendants, John W. Hare, 17th January 1838.

- " John King, 18th January 1838.
- " Jonas Hill, 2d February 1838.
- " William Griffith, 16th April 1838.
- " John Millar, 27th April 1838.
- " Samuel Woodward, 30th April 1838.
- " William Lake, 11th June 1838.

## Appendix.

Proceedings  
adopted by  
Trustees.

## NATURAL HISTORY DEPARTMENT.

*In the Mineralogical Branch.*

Assistants, Mr. F. J. Macdougall, 23d February 1838 ; resigned 14th April 1838.  
 " Mr. G. F. Richardson, 1st June 1838.

*In the Zoological Branch.*

Three assistants, all previously employed in the department, have been permanently attached to this branch ; viz.

1. Mr. John Edward Gray, 18th April 1837.
2. Mr. George R. Gray, 18th April 1837.
3. Mr. Adam White, 14th December 1837.

Attendant, James Ingham, 5th December 1837.

In the department of Antiquities there have been appointed two attendants—

- William Palmer, 3d July 1837.  
 T. V. Cooke, 14th November 1837.

From the 25th December 1837, the salaries of the keeper of the prints and of the attendant in the print-room have been raised, as stated in the minute reported to The House in 1837.

Two housemaids have resigned their situations, and their places have been abolished, and a second assistant-messenger has been appointed ; viz.

Charles Rice, 3d November 1837.

*Resolution* 13. That it is expedient that every exertion should be made to complete, within the shortest time consistent with the due execution of the work, full and accurate catalogues of all the collections in the Museum, with a view to print and publish such portions of them as would hold out expectations of even a partial sale.

Subsequently to 25th March 1837 the following progress has been made in the cataloguing and arrangement of the collections :—

## MANUSCRIPT DEPARTMENT.

The catalogue of the Sloane manuscripts has been printed off, from sheet bearing signature F. to sheet signature A A.

The same catalogue has been partly prepared in copy, from No. 1,220 to No. 1,680 of these manuscripts.

Eight sheets of the catalogue of the Syriac and Carshunic manuscripts, which sheets were destroyed in 1837 by an accidental fire at the printer's, have been reprinted ; an alphabetical index to this catalogue has been prepared and printed in six sheets and a half ; the preface has been set up in type, and the illustrations necessary to the publication of the catalogue have been prepared and engraved.

The index to the catalogue of the Arundel and Burney manuscripts has been prepared in manuscript slips, and the slips, to the number of more than 6,500, have been revised as far as the name *Occlere, Thomas*.

The catalogue of the Greek Papyri has been entirely set up in type, and some of the sheets have undergone a first revision for press ; an index has also been partly prepared.

The list of additions to the department in the year 1835 has been completed in print, and a copy placed in the reading-room.

The list of additions for 1836 is in a forward state of preparation.

A catalogue of the detached seals and impressions has been made.

A detailed catalogue of the additional manuscripts, 6878-7061, has been placed in the reading-rooms.

A detailed catalogue of the Egerton manuscripts has been commenced.

A synopsis of the Arabic manuscripts in the Museum previous to the acquisition of the *Rich* collection has been made, and 67 manuscripts of the General Oriental Catalogue described, and the additional manuscripts, from Nos. 11,038 to 11,390, with few exceptions ; the Egerton manuscripts, from No. 616 to 627, and the additional charters, from No. 1,250 to No. 1,812, have been arranged, bound, lettered, numbered and stamped.

## IN THE DEPARTMENT OF PRINTED Books.

The collections given by Mr. Cracherode, Sir Joseph Banks and Sir Richard Colt Hoare, have been removed to the new buildings, and have been kept entire, and nearly in their former arrangement.

The collections of pamphlets relative to the Great Rebellion and to the French Revolution have been also removed to the new buildings, and arranged in the same order as previously.

The

The great bulk of the library is in process of removal, and is to be re-arranged in six great divisions, viz. Religion, Jurisprudence, Philosophy, Arts and Trades, History and Literature.

The books belonging to the first of these divisions have been already removed to the new building, and re-arranged : those belonging to the second division have also been removed, and are now undergoing re-arrangement.

Part of the books upon natural history have also been removed, and arranged in the room containing Sir Joseph Banks' library.

The general collection of pamphlets, and that of newspapers, have been provisionally deposited either in the old or new building, in more accessible presses.

The list of additions made to the department in 1835 has been printed, and a copy placed in the reading-room.

About 18,000 works have been catalogued, and several corrections have been made of entries in the general catalogue.

#### IN THE NATURAL HISTORY DEPARTMENT.

##### *In the Mineralogical Branch.*

The arrangement and labelling of the vegetable fossil remains have been completed, as far as the space admits.

The fossil fishes have been re-arranged, some doubtful species determined, and the labels completed.

The Orthoceratites have been arranged in one table case with some of the related fossils, and in another the Trilobitæ.

All accessions in mineralogy have been incorporated with the great collection.

The latter have been entered and numbered, as well as the secondary fossils, &c. obtained since 25th March 1837, to the extent of 1,150 entries.

Detailed instructions for collecting specimens of geology and mineralogy have been drawn up, printed and circulated.

##### *In the Zoological Branch.*

Subsequently to the 25th March 1838, 7,816 specimens of various classes, not including insects, have been added to the collections ; these have been ticketed, and regularly entered in an inventory.

Catalogues of the several classes are in progress, which, when completed, will contain every species denoted by its trivial English and Latin scientific name and synonyms. The present state of the catalogues is as follows :

The catalogue of the mammalia consists of 10 volumes, and contains all the specimens in the Museum collection, except a few recent acquisitions.

The ornithological catalogue consists of 40 similar volumes, in which about 5,200 specimens, belonging to nearly 2,700 species of British and foreign birds, are registered.

The catalogue of reptiles consists of 11 similar volumes, and contains all the Chelonians, most of the Saurian, and all the Ophidian reptiles, except a portion of the Colubridæ, part of which, as well as of the Batrachians, are also entered.

The Entomological Catalogue is contained in 15 volumes, and was begun by the late Dr. Leach, who registered about 3,564 specimens ; it has since been continued by Mr. Samouelle, who reports that it now contains the registry of 8,008 Crustacea, Arachnida and insects, 537 of which have been entered since 25th March 1837.

Catalogues of the other classes are also in preparation.

Since 25th March 1837, detailed instructions for collecting specimens of zoology have been drawn up, printed and circulated.

##### *In the Botanical Branch.*

1. Several families of plants have been arranged, namely, Capparideæ, Cruciferæ, Ranunculaceæ, Berberideæ, Papaveraceæ, Fumariaceæ, Nymphaeaceæ and Drosiceraceæ, and the additional species and more perfect specimens belonging to these families which were found in the several unarranged collections in the department have been incorporated in the general herbarium.

2. The collections lately received, as well as those existing in the Banksian Herbarium, from British and Foreign Guiana, have been examined, and incorporated with the arranged herbarium.

3. The arrangement of the fruits, seeds and some other materials belonging to the Sloane collection has been proceeded with, as also the examination of Plukkenet's Herbarium, with a view to the correct determination of the plants figured in his works.

Detailed instructions for collecting specimens of botany have been drawn up, printed and circulated.

Appendix.

Proceedings  
adopted  
by Trustees.

## Appendix.

Proceedings  
adopted  
by Trustees.

## IN THE DEPARTMENT OF ANTIQUITIES AND COINS.

The new room containing the smaller Egyptian curiosities has been opened to the public ; the arrangement of its contents is almost completed, and the description of them nearly ready for the press.

The new room for Etruscan antiquities has also been opened to the public ; the vases have, in some degree, been placed in order.

The arrangement of the large objects in the Egyptian saloon is completed, and the description is in progress.

The extensive collections of foreign coins have been arranged and incorporated into one series. The recent acquisitions have also, in a great measure, been incorporated into their respective series, and inventories of some are completed ; inventories of the rest are in progress.

The letter-press for the next volume, of the description of the Museum marbles, is in course of preparation.

## IN THE PRINT-ROOM.

A complete inventory of all the collections deposited there has been made.

A fine collection of specimens of engraving in mezzotinto, acquired during the year, has been arranged and mounted.

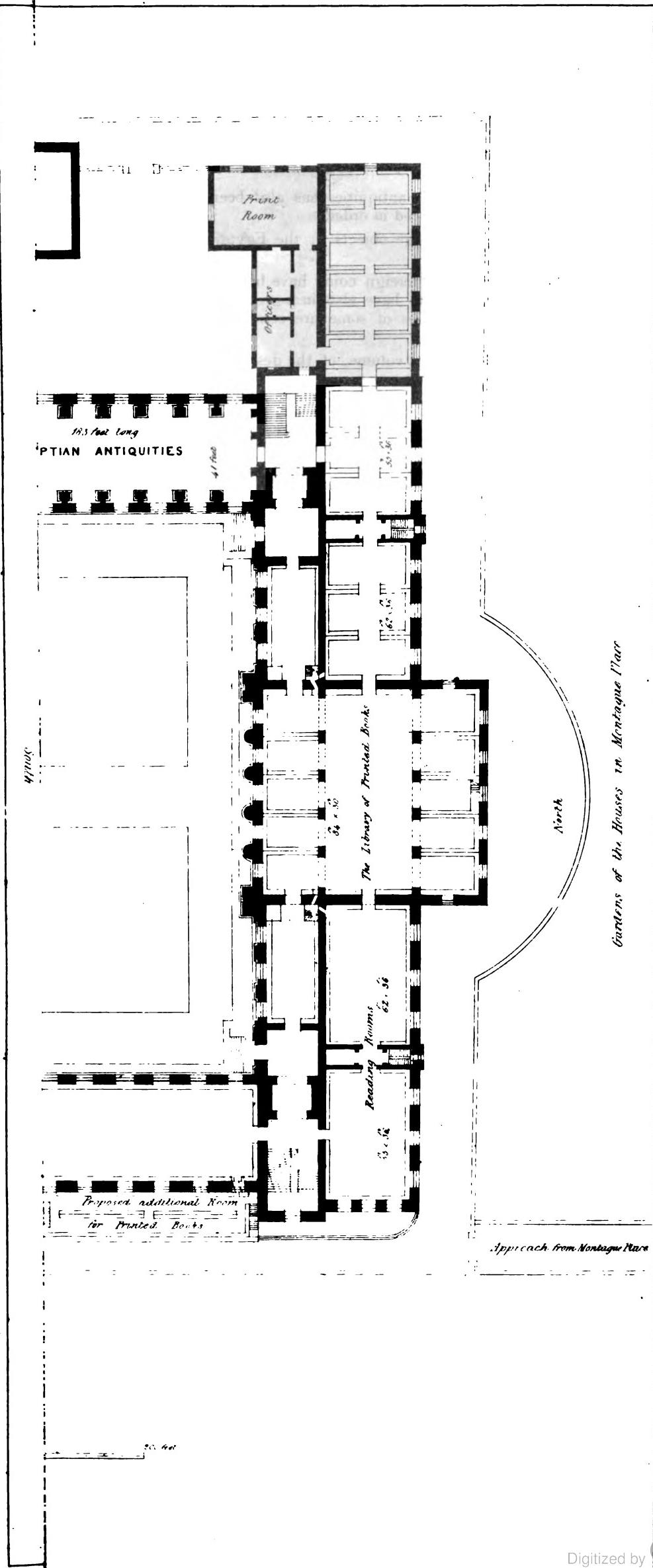
The Sheepshanks collection of Dutch etchings is in process of arrangement, and a catalogue raisonné is in preparation.

*Resolution 15.* That it be recommended to the Trustees to take into consideration the best means of giving to the public a facility of obtaining casts from the statues, bronzes and coins, under competent superintendence, and at as low a price as possible.

The moulds of the marbles of the Parthenon have been completed ; several casts have been made from these moulds and disposed of ; moulds have been made of several antiquities in the Townley gallery, and casts taken from them ; and moulds have in like manner been made of some of the bronzes, and casts taken from these.

*J. Forshall, Secretary.*

British Museum, June 18, 1838.







R E P O R T

FROM THE

SELECT COMMITTEE

ON

THE BRITISH MUSEUM;

WITH THE

MINUTES OF EVIDENCE,

AND

A N APPENDIX.

*Ordered, by The House of Commons, to be Printed,*  
*30 June 1838.*

# R E P O R T

FROM THE

## SELECT COMMITTEE

APPOINTED TO INQUIRE INTO

THE ACCOUNTS OF INCOME AND EXPENDITURE

OF

## T H E C I V I L L I S T,

From 1st January 1831 to 31st December 1836;

WITH AN

ESTIMATE OF THE PROBABLE FUTURE CHARGE OF  
THE CIVIL LIST OF HER MAJESTY.

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*Ordered, by The House of Commons, to be Printed,  
5 December 1837.*

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## **APPENDIX :—**

- |  |       |       |
|--|-------|-------|
| 1.—ACCOUNTS and ESTIMATES presented by Command             | - - - | p. 9  |
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## R E P O R T.

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THE SELECT COMMITTEE to whom the ACCOUNTS of INCOME and EXPENDITURE of the CIVIL LIST, from 1st January 1831 to 31st December 1836, with an Estimate of the probable future Charge of the CIVIL LIST of HER MAJESTY, were referred;—HAVE, pursuant to the Order of The House, taken the same into their consideration; and agreed to the following REPORT:—

IN the performance of the duties entrusted to them by The House, Your Committee have found their inquiries much abridged and simplified by reason of the arrangements made by Parliament on the accession of his late Majesty. By the Act of 1 Will. IV. c. 25, the Civil List of the Crown was relieved from those expenses which had no immediate connexion with the Royal dignity or personal comfort of the Sovereign, but which belonged rather to the Civil Government of the State. Under this distribution, a sum of upwards of £. 600,000, which during the reign of his late Majesty George IV. had been charged on the Civil List and the Hereditary Revenues of Scotland, was provided for in Supply, or from the Consolidated Fund. Your Committee see every reason to approve of this arrangement. The House is aware, that in the surrender of the Hereditary Revenues made by his late Majesty, were included several branches of Casual Revenue, which had in former times been left at the sole disposal of the Crown. The sums by which the Public have thus benefited amount to £. 70,684. 10. 5., which, under previous settlements of the Civil List, would have been applicable to the Privy Purse of the King, but which, by 1 Will. IV. c. 25, have been appropriated to the Public Service. This amount has been received, it is observable, at a time of profound peace: in time of war the total amount would have been much more considerable. The Civil List of his late Majesty was apportioned for the following purposes:—

	£.
1st CLASS - PRIVY PURSE - - - - -	110,000
2d CLASS - SALARIES of the several Departments of the ROYAL HOUSEHOLD, and SUPERANNUA- TION and RETIRED ALLOWANCES -}	130,300
3d CLASS - TRADESMEN'S BILLS - - - - -	171,500
4th CLASS - ROYAL BOUNTY - - - - - } SPECIAL and SECRET SERVICE - - - - - }	23,200
5th CLASS - PENSIONS - - - - -	75,000
	<hr/> £. 510,000

It is satisfactory to Your Committee to be enabled to state, that it has not been found necessary during the two last reigns to apply to Parliament for the means of defraying any increased expenditure, beyond the amount originally fixed

## REPORT FROM SELECT COMMITTEE

fixed as the income of the Civil List. The importance of this strict attention to the due and careful appropriation of the funds provided for the support and dignity of the Sovereign is so obvious as to require no further observation on the part of Your Committee ; and the necessity of avoiding all debt or excess of expenditure for the future, is no less essential to the best interests of the Crown, than to the reasonable hopes and expectations of the people.

In considering an Estimate for the future Civil List of the Sovereign, Your Committee have been guided, to a considerable extent, by the expenditure during the late reign. In the Papers laid before Parliament by command of Her Majesty, will be found information respecting the expenditure of the late reign, similar to that submitted to the Committee appointed in 1830 to consider the Civil List.

Not having the power of sending for Papers, or examining witnesses, the information on which Your Committee have proceeded has been necessarily limited to the Papers before them, and to the explanations given by the official Servants of Her Majesty who were Members of the Committee. It is fitting, however, to add, that not only has this information been given to the extent afforded in 1830, but that much fuller and more detailed explanations were added, in order to assist Your Committee in their deliberations.

These Papers will  
be found in the  
Appendix.

### CLASS I.

The Privy Purse of the Sovereign has been for upwards of half a century fixed at £.60,000. During the late reign, there being a Queen Consort, a further sum of £.50,000 was allotted to this class. Under existing circumstances, Your Committee recommend that an annual sum of £.60,000 be provided for this branch of the Royal expenditure.

### CLASS II.

The Second Class comprehends the Salaries of the Great Officers of State, those of the Officers and Menial Servants of the Royal Household, and the Superannuation and Retired Allowances payable to persons of the latter class. The Committee, concurring in the opinion expressed in the Report of 1831, " that it was not consistent with the respect due to Her Majesty to scrutinize the details of Her domestic household," have not undertaken any minute investigation into that branch of the subject ; but they have received, as already stated, a very full analysis of the whole of this branch of expenditure.

The principal Officers of State in attendance on the person of the Sovereign, are the Lord Steward, the Lord Chamberlain, the Master of the Horse, and the Groom of the Stole.

The Report of the Select Committee of 1831 recommended that the Salaries of these Officers should be reduced in the following proportions :—

	Original Salary.		Salary recommended.
	£.	s.	£.
Lord Steward	-	-	2,436 10
Lord Chamberlain	-	-	3,085 -
Master of the Horse	-	-	3,350 -
Groom of the Stole	-	-	2,163 -

In the proposed Estimate submitted to them, Your Committee perceive that it is not only intended that the reductions recommended in the Salary of the three

three first Officers should be carried into immediate effect, but that it is not proposed to fill up the Office of Groom of the Stole, or to create any analogous Office in the Household of Her Majesty.

It is also proposed to reduce the number of Lords in waiting from Twelve to Eight, and of Grooms in waiting, to Eight from Thirteen.

As the duties of the Attendants upon Her Majesty will be augmented, by reason of the reduction of their number, whilst Your Committee approve of the reduction of the Salaries of the Great Officers of State, they see no reason to suggest that any reduction in the Salaries of the other Members of the Household should take place.

During the late Reign, the Ladies in attendance on Her Majesty were provided for out of the sum of £.50,000 allotted to the Queen Consort, and which has been already omitted from the First Class of the Civil List. It therefore becomes necessary, during the Reign of Her Majesty, that provision should be made for the Ladies of Her Majesty's Household.

In order to guard as far as is practicable against the increase of Superannuation and Retired Allowances, Your Committee trust that these charges may not, in ordinary circumstances, be allowed to exceed the limits assigned by the general regulations of the Public Service; and that the possibility of establishing a Superannuation Fund in certain Departments of the Household, should be carefully considered.

Although Your Committee have not had the means of examining into the subject with the minute attention that would enable them to form a definitive opinion, they are inclined to think that, by Her Majesty's permission, it would be a fit subject for an inquiry, to be carried on by the Treasury and the Great Departments of the Household, whether the several existing Offices of pay might not be united and consolidated, and a system, simpler, more economical and equally efficient, substituted in their room.

Two Offices appear on the Civil List of his late Majesty, which were formerly borne on the Army Estimates—the Governor and Constable of Windsor Castle, who receives a Salary of £.1,120, and the Lieutenant-Governor, whose emoluments amount to £.173. After the principle was laid down, that Military Governments should be abolished, and Military Pensions substituted for such appointments, the above-mentioned Offices were transferred to the Civil List, as more particularly appertaining to the state of the Sovereign, and connected with the Royal Residence. On these grounds, Your Committee are induced to recommend, not the abolition of these Offices, but their consolidation, when a vacancy shall arise.

In considering the amount to be recommended for this class, Your Committee feel it their duty to call the attention of The House to the fact, that no application is now made to Parliament for the grant of Pensions for the Servants of the late King. With these explanations, Your Committee recommend the Estimate of £.131,260 for the Second Class of the Civil List.

### CLASS III.

Considering the disbursements which have taken place in the late Reign under the head of Bills of Tradesmen, Your Committee recommend the proposed Estimate of £.172,500 for this branch of the Royal Expenditure.

## CLASS IV.

The Fourth Class of the Civil List of his late Majesty included the following heads :—

Royal Bounty	-	-	-	-	£. 9,000
Home Secret Service	-	-	-	-	10,000
Alms and Charity	-	-	-	-	4,200
					<u>£. 23,200</u>

After much consideration, Your Committee have determined to recommend that the sum of £. 10,000, now charged on the Civil List for Secret Service, may be transferred to the Consolidated Fund by Act of Parliament, to be applied to the same purposes, and under the same authority, as heretofore.

The provision for this Class will consequently be reduced, as a charge on the Civil List, to £. 13,200.

Considering that the sum distributed annually as alms and charity is applied in a manner suited rather to ancient than to modern times, and is attended with some expense, it may not be inexpedient to consider whether the purposes of the Royal benevolence might not be more fully attained if some other and better mode of distribution were in future adopted.

## CLASS V.

The Committee approached the consideration of the Pensions charged on the Fifth Class of the Civil List, with a full sense of the attention which the subject has exacted. Your Committee refer to the following passage in the Report of 1831 :—“ The House must recollect, that the principle on which the sum is allotted by Parliament for the purpose of the Civil List, is as a payment for the personal advantage of the Sovereign, and for the support of the dignity of the Crown, in lieu of the Hereditary Revenue, which at the commencement of each reign the Sovereign sacrifices for the benefit of the Public: some provision ought in all cases to be made for such payments as it might be presumed the Sovereign would have been desirous of making, had he remained in possession of the Hereditary Revenue. That one class of such payments would be Pensions to those of his subjects whom he wished to favour, cannot be doubted.” In conformity with this opinion, Your Committee recommend that the provision for the grant of Pensions should continue to form a part of the Civil List of Her Majesty.

But in order to guard against the supposition that an enactment founded on this principle should in any degree interfere with the inquiry into Pensions, of which notice has been given in the House of Commons (if it appears fitting that such inquiry should be instituted), it is the opinion of Your Committee that, in place of granting a sum of £. 75,000 for Civil List Pensions, Her Majesty should be empowered to grant in every year new Pensions on the Civil List to the amount of £. 1,200: these Pensions to be granted in strict conformity with the following Resolution of the House of Commons, passed on the 18th of February 1834 :—

“ That it is the bounden duty of the responsible Advisers of the Crown to recommend to His Majesty for grants of Pensions on the Civil List, such persons only as have just claims on the Royal beneficence, or who, by their personal services to the Crown, by the performance of duties to the Public, or by their useful discoveries in science, and attainments in literature and the arts, have

have merited the gracious consideration of their Sovereign, and the gratitude of their Country."

Your Committee recommend that this Resolution should be engrafted in the Civil List Act, and that annual Returns of the Pensions granted, and the Names of the several Parties, should be laid before Parliament.

Your Committee feel it to be their duty to add, that by this arrangement it is far from their intention to prejudge the question which is likely to come before Parliament, or in any respect to prejudice the just claim of the parties in the receipt of Pensions granted by former Sovereigns. When the inquiry is completed, Your Committee feel every confidence that provision will be made for such Pensions as, upon full examination, it is thought expedient to empower Her Majesty to continue.

Your Committee do not, however, consider that it would be proper to delay the settlement of the Civil List of Her Majesty till such inquiry shall be completed.

Your Committee entirely approve of the principle acted on in all the branches of the ordinary Public Service, by which Sinecures of all descriptions have been abolished on the termination of the existing interests: the Committee consider this principle to be equally applicable to the departments of the Civil List; they therefore express their hope, that, with the permission of Her Majesty, such inquiries may be instituted by the Treasury and the Department of the Household, and that such directions may be given as will enforce the application of this salutary principle from time to time.

Her Majesty has stated in the Speech from the Throne, that whilst Her Majesty is desirous that the expenditure of the "Civil List, as of every other Department of the Government, should be kept within due limits, Her Majesty is confident that the House of Commons will gladly make an adequate provision for the honour and dignity of the Crown:" it has been in the spirit of this recommendation that Your Committee have proceeded, and they are of opinion that the Civil List of Her Majesty be fixed according to the subjoined Estimate; founded on the recommendations contained in the present Report:--

CLASS I.—PRIVY PURSE	- - - - -	£. 60,000
CLASS II.—RETIR ED ALLOWANCES, SALARIES and } WAGES	- - - - - } 131,260	
CLASS III.—EXPENSE OF HOUSEHOLD	- - - - -	172,500
CLASS IV.—ROYAL BOUNTY, ALMS. and SPECIAL } SERVICES	- - - - - } 13,200	
CLASS V.—PENSIONS (Her Majesty to be empowered to grant Pensions in every year to the extent of £. 1,200 per annum.)		
UNAPPROPRIATED MONIES	- - - - -	8,040

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A P P E N D I X.

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Appendix, No. 1.

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A C C O U N T S

OF

INCOME AND EXPENDITURE OF THE CIVIL LIST,  
from 1st January 1831 to 31st December 1836;

WITH

AN ESTIMATE OF THE PROBABLE FUTURE CHARGE OF THE  
CIVIL LIST OF HER MAJESTY.

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PRESSENTED BY HER MAJESTY'S COMMAND.

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## APPENDIX TO REPORT FROM

## Appendix, No. 1.—I.

1.—AN ACCOUNT, showing the PAYMENTS which have been made in respect of the Charge on the CIVIL LIST, between 1 January 1831 and 31 December 1836.

	1831.	1832.	1833.	1834.	1835.	1836.
FIRST CLASS:	£.	£.	£.	£.	£.	£.
His Majesty's Privy Purse - - - -	60,000	60,000	60,000	60,000	60,000	60,000
Her Majesty The Queen Consort - -	50,000	50,000	50,000	50,000	50,000	50,000
	£.	110,000	110,000	110,000	110,000	110,000
SECOND CLASS:						
Salaries, &c. in the Departments of the Household.						
Lord Steward's salary - - - -	2,436	2,436	2,436	2,436	2,436	2,436
Salaries in his department - - - -	33,693	33,425	31,713	31,156	30,780	29,909
Lord Chamberlain's salary - - - -	3,073	3,073	3,073	3,073	3,073	3,073
Vice-Chamberlain - - - -	924	924	924	924	924	924
Groom of the Stole - - - -	2,150	2,150	2,150	2,150	2,150	2,150
Twelve Gentlemen of the Bedchamber - -	8,424	8,424	8,424	8,424	8,424	8,424
Thirteen Grooms of ditto - - -	4,368	4,368	4,368	4,368	4,368	4,368
Salaries in the Lord Chamberlain's department	45,653	44,569	44,711	45,923	46,894	46,746
Salaries in the department of the Master of the Horse.	29,365	28,244	28,244	28,244	28,244	28,244
Ditto - - in the department of the Master of the Robes.	825	825	825	825	825	825
	£.	130,911	128,438	126,868	127,523	128,118
						127,099
THIRD CLASS:						
Bills of His Majesty's Tradesmen:						
In the Lord Steward's department - - -	88,632	85,668	86,756	85,756	87,364	92,065
Lord Chamberlain's ditto - - -	42,104	42,112	41,094	39,458	41,636	41,918
Master of the Horse's ditto - - -	37,476	40,292	38,408	38,974	39,274	38,286
Master of the Robes' ditto - - -	2,085	2,305	1,784	1,945	1,701	1,880
	£.	170,297	170,377	168,042	166,133	169,975
						174,149
FOURTH CLASS:						
Occasional Payments, Special Services, Charities, &c.						
Special Service and Royal Bounty - - -	9,000	9,000	9,000	9,000	9,000	9,000
Home Secret Service - - - -	10,000	10,000	10,000	10,000	10,000	10,000
Alms, Charities, &c. - - - -	3,200	3,200	3,200	3,200	3,200	3,200
	£.	22,200	22,200	22,200	22,200	22,200
FIFTH CLASS:						
Pensions - - - - -	£.	70,568	73,307	73,606	74,875	74,044
						73,280

## AN ABSTRACT OF THE PRECEDING ACCOUNT.

	1831.	1832.	1833.	1834.	1835.	1836.
	£.	£.	£.	£.	£.	£.
FIRST CLASS - Privy Purse and Queen Consort.	110,000	110,000	110,000	110,000	110,000	110,000
SECOND CLASS - Salaries of the Household -	130,911	128,438	126,868	127,523	128,118	127,099
THIRD CLASS - Bills of His Majesty's Tradesmen.	170,297	170,377	168,042	166,133	169,975	174,149
FOURTH CLASS Occasional Payments, Special Services, &c.	22,200	22,200	22,200	22,200	22,200	22,200
FIFTH CLASS - Pensions - - - -	70,568	73,307	73,606	74,875	74,044	73,280
	£.	503,976	504,322	500,716	500,731	506,728

## 2.—AN ACCOUNT of the INCOME and EXPENDITURE of the CIVIL LIST during the Years commencing 1st January 1831 and ending 31st December 1836.

INCOME :	£.	£.
Income - - - - -	- - - - -	3,060,000
EXPENDITURE :		
Expenditure as per the preceding Account -	3,020,810	
Fees paid on the Installation of their Highnesses Prince George of Cumberland and Prince George of Cambridge as Knights of the Garter - - - - -	1,550	
Applied to the Privy Purse - - - - -	22,731	
		3,045,091
BALANCE - - - - -	£.	14,909

Whitehall, Treasury Chambers, }  
23 November 1837. }

F. T. BARING,

## TRADESMEN'S BILLS.

## ACCOUNTS of the TOTAL AMOUNT of the BILLS of TRADESMEN, and MISCELLANEOUS PAYMENTS.

3.—AN ACCOUNT of the EXPENDITURE, classed under the respective TRADES, &c., and of MISCELLANEOUS PAYMENTS, in the LORD CHAMBERLAIN'S Department, for Six Years, ending the 31st December 1836, distinguishing each Year.

T R A D E S .	F O R T H E Y E A R S						T O T A L .
	1831.	1832.	1833.	1834.	1835.	1836.	
Upholsterers and Cabinet Makers - - - - -	£. 12,000	£. 10,079	£. 10,298	£. 11,222	£. 12,533	£. 11,381	£. 67,520
Joiners and Blind Makers - - - - -	1,583	541	386	497	761	1,038	4,809
Carpet Manufacturers - - - - -	96	200	-	493	671	225	1,687
Turners, Mat-layers and Floor-cloth Manufacturers - - - - -	962	699	847	597	798	690	4,595
Locksmiths, Ironmongers and Armourers - - - - -	3,978	3,229	3,064	2,372	2,843	4,119	19,607
Trunk-makers and Leather Sellers - - - - -	1	19	31	38	8	-	.98
Goldsmiths - - - - -	822	2,206	3,595	56	-	-	6,681
Clock-makers and Opticians - - - - -	167	390	161	791	714	895	3,121
Piano Forte Makers and Organ Builders - - - - -	230	10	25	81	19	356	724
Or Molu Restorers, Carvers and Gilders - - - - -	392	393	207	257	396	391	2,038
Japanners - - - - -	57	120	261	297	169	654	1,549
Lamp and Lustre Manufacturers - - - - -	570	381	325	213	1,209	268	2,869
Plate Glass Men - - - - -	70	19	49	383	87	26	636
Chinamen - - - - -	281	99	214	98	287	201	1,181
Paper Hangers - - - - -	1,356	1,828	1,247	857	917	898	7,104.
Silk Mercers - - - - -	17	20	285	78	209	16	626
Linendrapers - - - - -	1,646	1,530	1,314	1,660	636	1,962	8,751
Woollendrapers - - - - -	365	421	323	348	368	348	2,175
Furniture Printers - - - - -	144	446	496	770	877	12	2,747
Seamstress - - - - -	248	470	208	316	167	284	1,695
Tailors - - - - -	-	2,682	59	1,547	938	25	5,253
Hatters - - - - -	-	15	23	-	-	14	52
Hosiers and Gloves - - - - -	75	94	37	27	27	97	359
Gold Lacemen and Embroiderers - - - - -	62	-	200	126	-	-	388
Stationers, Booksellers and Engravers - - - - -	1,077	1,010	850	864	1,081	1,080	5,965
Card Makers - - - - -	84	109	118	87	117	118	634
Modellers and Floor Chalkers - - - - -	49	28	-	-	45	137	260
Washing - - - - -	2,174	2,477	2,639	2,486	2,638	3,014	15,431
Dyers - - - - -	46	501	-	-	171	74	793
Soap - - - - -	491	461	399	424	430	479	2,687
Chimney Sweepers - - - - -	138	117	112	130	124	150	774
Surgeons, Apothecaries, Chemists, &c. - - - - -	1,767	1,760	1,849	1,935	1,884	1,957	11,154
Artist, Decorators and Herald Painters - - - - -	313	-	337	-	40	400	1,091
Portrait Painter - - - - -	682	-	315	409	-	-	1,407
Mason, Plumber and Glazier - - - - -	61	38	32	37	82	18	271
Allowances in lieu of Apartments and Lodgings, Hire of Houses, Disbursements Lord Chamberlain's Office, the several Housekeepers, extra Housemaids, Charwomen, Rates and Taxes - - - - -	5,489	4,692	4,542	4,154	4,640	4,631	28,050
Sundry Payments for removing and cleaning Pictures, cleaning the Chapels Royal, Pages and other Travelling Expenses, discharged Chapel Boys, &c. - - - - -	592	1,250	1,008	1,268	1,153	1,365	6,636
Allowances to the Yeomen and Warders of the Tower, Chapel Boys, Watermen, &c., in lieu of Clothing, superannuated and exempt Yeomen - - - - -	1,648	1,634	1,633	1,632	1,642	1,578	9,769
Messengers' Bills - - - - -	3,895	2,997	2,933	2,889	2,940	2,997	18,651
	£. 43,644	42,881	40,325	39,458	41,635	41,918	249,869

Lord Chamberlain's Office, }  
Sept. 16, 1837.

William Martins.

SELECT COMMITTEE ON THE CIVIL LIST.

13

No. 4.—AN ACCOUNT of the EXPENDITURE in the Department of the LORD CHAMBERLAIN, in the Third Class of the Civil List, for Six Years, ending the 31st December 1836; showing the Amount for each of the ROYAL PALACES, in each Year.

	YEARS ENDING 31 DECEMBER							
	1831.	1832.	1833.	1834.	1835.	1836.	TOTAL.	
Houses in Pall-mall and Carlton Riding-House								
Brighton	485	282	201	379	329	326	2,002	
St. James's Palace	4,917	3,490	3,700	4,432	3,849	5,023	25,411	
Windsor Castle	7,200	7,223	4,861	3,335	3,881	3,923	30,423	
Buckingham Palace	6,710	6,896	6,827	11,077	12,195	11,238	54,943	
Hampton Court and Stud Lodge	134	-	-	-	-	-	134	
Kensington and Kew Palaces	346	761	2,524	642	790	939	6,002	
The King's Mews	2,217	1,436	988	586	1,796	2,427	9,450	
Plate	1,890	34	45	-	-	-	1,909	
Pages' Uniforms, Clothing, Yeomen, Warders, Watermen, Chapel Boys and Maundy	808	2,150	3,595	55	-	-	6,608	
Surgeons and Apothecaries	2,237	4,847	2,192	3,788	3,019	2,131	18,214	
Allowances in lieu of Lodgings	1,727	1,730	1,839	1,926	1,866	1,938	11,026	
Stationery	2,730	2,160	2,249	2,491	2,507	2,596	14,733	
Washing	1,195	1,133	993	964	1,174	1,172	6,031	
Miscellaneous Allowances and Payments	2,211	2,966	2,639	2,486	2,810	3,088	16,210	
Messengers' Bills	4,926	4,770	4,713	4,401	4,474	4,108	27,412	
	3,895	2,997	8,933	2,889	2,940	2,997	18,651	
	£.	43,644	42,882	40,325	39,458	41,636	41,908	249,864

Lord Chamberlain's Office, }  
August 16, 1837.

William Martins.

No. 5.—AN ACCOUNT of the EXPENDITURE on the Third Class of the CIVIL LIST, in the Department of the LORD STEWARD of the ROYAL HOUSEHOLD, from January 1831 to December 1836.

	1831.	1832.	1833.	1834.	1835.	1836.	TOTAL.	
							£.	£.
Bread	2,065	1,948	1,751	1,765	1,663	2,050	11,242	
Butter, Bacon, Cheese and Eggs	4,089	4,035	4,317	4,298	4,649	4,976	26,364	
Milk and Cream	1,727	1,463	1,351	1,337	1,429	1,478	8,785	
Butchers' Meat	7,052	8,157	8,574	8,659	8,997	9,472	50,911	
Poultry	2,997	2,924	2,868	2,686	3,101	3,633	18,158	
Fish	1,467	1,423	1,520	1,471	1,636	1,979	9,496	
Grocery	3,743	3,766	3,765	3,836	4,357	4,644	24,031	
Oilyer	1,965	1,765	1,770	1,693	1,665	1,793	10,651	
Fruit and Confectionery	1,580	1,371	1,158	1,464	1,379	1,741	8,693	
Vegetables	438	363	373	414	456	487	2,530	
Wine	5,052	5,208	6,185	5,995	5,998	4,850	33,888	
Liqueurs, &c.	1,410	1,634	1,555	1,737	1,414	1,843	9,583	
Ale and Beer	1,584	2,325	2,406	2,468	2,639	2,811	14,633	
Wax Candles	1,737	1,671	1,616	1,584	1,649	1,977	10,234	
Tallow Candles	622	569	617	618	615	679	3,720	
Lamps	5,236	4,618	4,014	4,144	4,214	4,660	26,886	
Fuel	5,455	6,158	5,286	5,350	5,173	6,846	34,268	
Stationery	633	590	514	587	589	834	3,737	
Turnery	263	263	298	270	316	376	1,786	
Brazier	641	546	784	706	783	890	4,350	
China, Glass, &c.	2,208	1,189	2,250	1,172	856	1,328	9,003	
Linen	139	971	1,428	1,027	1,477	1,085	6,127	
Washing Table Linen	2,740	2,757	2,831	2,950	3,049	3,130	17,457	
Plate	-	464	1,000	512	612	356	2,943	
	£.	55,843	56,188	58,230	56,692	58,616	63,907	349,476
The Royal Gardens	12,607	10,710	9,910	10,400	10,310	10,660	64,506	
Maunday Expenses	257	260	263	266	270	276	1,592	
Royal Yachts	236	146	-	327	76	45	829	
Board Wages	3,273	3,296	3,455	3,553	3,541	3,615	20,733	
Travelling Expenses	1,013	1,066	1,104	1,082	876	1,050	6,191	
Allowances for Beer, Bread, &c.	896	799	925	782	757	764	4,923	
Extra Servants, Hired Persons, &c.	3,775	3,663	3,374	3,628	3,733	3,646	21,819	
Board Wages to the Yeomen of the Guard	2,145	2,315	2,230	2,230	2,230	2,230	13,380	
Compensations	1,815	1,692	1,541	1,169	1,305	1,244	8,766	
Sundries and Disbursements	6,150	5,534	5,725	5,427	5,652	4,719	33,207	
	£.	88,010	85,669	86,757	85,756	87,865	92,065	525,622

Board of Green Cloth, }  
15 August 1837.

Tho<sup>r</sup> Marable.

## APPENDIX TO REPORT FROM

No. 6.—AN ACCOUNT of the EXPENDITURE of the MASTER of the Horse's Department, from 1st January 1831, to the 31st December 1836, showing the Amount under each Head of Expense.

HEADS OF EXPENSE.	1831.	1832.	1833.	1834.	1835.	1836.	TOTAL.
Liveries	5,974	5,730	6,475	6,392	6,020	6,208	36,799
Forage	5,068	4,966	4,413	4,965	5,722	5,308	30,441
Farriery	1,043	1,159	1,090	1,096	1,076	1,012	6,476
Horses	4,163	4,648	4,080	5,712	4,861	3,345	26,609
Carriages	3,767	3,486	4,648	1,803	3,979	4,825	20,508
Harness	597	324	410	2,070	1,389	567	5,357
Saddlery	954	910	1,457	870	677	577	5,445
Bits and Spurs	112	42	81	41	139	30	445
Whips	90	99	46	61	59	46	401
Lamps, Gas-lights, &c.	990	1,219	799	826	672	643	5,148
Coals and Wood	978	970	899	855	936	954	5,592
Stationery	86	95	77	82	64	48	452
Turnery Articles	175	199	161	183	180	176	1,074
Candles and Soap	215	212	232	236	222	214	1,331
Washing	68	86	99	79	105	84	521
Ironmongery	230	160	121	227	247	182	1,167
Allowance for Lodging	672	786	645	625	644	590	3,962
Sundry other small Expenses	2,124	5,993	3,119	3,177	3,334	3,822	20,559
Travelling Expenses and Disbursements	2,151	2,062	1,792	2,086	1,848	1,846	11,785
Post Horses	1,350	1,397	1,311	1,685	1,426	1,402	8,571
King's Plates	2,205	2,310	2,310	2,310	2,310	2,310	13,755
Stud Bills	990	994	852	851	669	546	4,902
Hunt ditto	4,239	4,473	4,089	4,408	5,064	5,000	27,273
Deduct	38,241	41,319	39,206	40,640	40,433	38,734	238,574
Proceeds of useless Horses sold	735	1,029	798	1,665	1,159	529	5,915
Net Expense for Bills, &c.	£. 37,506	40,290	38,408	38,975	39,274	38,205	232,659

Master of the Horse's Office,  
November 1837.

R. W. Spearman.

No. 7.—AN ACCOUNT of the EXPENDITURE incurred in the Department of the MASTER of the ROBES since the year 1830.

	Expenses.
1831	£. 2,085
1832	2,305
1833	1,784
1834	1,945
1835	1,701
1836	1,880

No. 8.—AN ACCOUNT of PAYMENTS applied to the PUBLIC SERVICE, arising from the casual Hereditary Revenues during the Reign of his late Majesty King WILLIAM the Fourth, under the Civil List Arrangements made at the commencement of the Reign, and which would otherwise, as in former Reigns, have been applicable to the uses of his late Majesty's Privy Purse.

	FINES, &c.	ESCHEATS.	GIBRALTAR.	TOTAL.
				£. s. d.
Year ending 5 January 1833	2,600 - -	- - -	- - -	2,600 - -
Ditto - - ditto 1834	1,150 - -	13,527 6 3	- - -	14,677 6 3
Ditto - - ditto 1835	- - -	5,994 19 5	- - -	5,994 19 5
Ditto - - ditto 1836	3,800 - -	18,800 - -	- - -	22,600 - -
Ditto - - ditto 1837	3,900 - -	7,878 13 -	1,500 - -	13,278 13 -
Ditto - - ditto 1838	2,650 - -	400 - -	5,000 - -	8,050 - -
	£. 14,100 - -	46,600 18 8	6,500 - -	67,200 18 8

Amount applied to the Public Service, as above	- - -	£. 67,200 18 8
* Estimated further Sums so applicable	- - -	£. 3,483 11 9
		£. 70,684 10 5

\* A further sum of about £.3,000 may be expected from Fines in the hands of the Sheriffs, Bailiffs and others, received previous to the 20th June 1837: there is also in the hands of the Registrar of the Court of Admiralty a Balance of the Account of Droits, amounting to £. 483. 11. 9.

Spring Gardens, }  
20 November 1837.

(signed) John Wylin.

## Appendix, No. 1.—II.

## 1.—AN ESTIMATE of the PROBABLE FUTURE ANNUAL CHARGE in respect of the CIVIL LIST of HER MAJESTY.

FIRST CLASS -	Her Majesty's Privy Purse	£.	60,000
SECOND CLASS -	Salaries of the Great Officers of the Household, and Officers of State, and of the Establishment of the various Departments of the Household, including Retired and Superannuation Allowances to old Servants in those Departments	£.	131,260
THIRD CLASS -	Expenses of the Household in the Departments of the Lord Chamberlain, Lord Steward, Master of the Horse and Master of the Robes	£.	172,500
FOURTH CLASS -	Royal Bounties and Charities, and Special Service, &c.	£.	23,200
FIFTH CLASS -	Pensions	£.	75,000
	Unappropriated Money	£.	8,040
		£.	470,000

Whitehall, Treasury Chambers,  
23 November 1837.

F. T. BARING.

## 2.—DETAILED ESTIMATE of the PROBABLE FUTURE EXPENDITURE of the CIVIL LIST, compared with the Civil List of his late Majesty.

		Civil List of his late Majesty.	Proposed Civil List of Her Majesty.
		£.	£.
FIRST CLASS -	- - - - -	110,000	60,000
SECOND CLASS -	- - - - -	130,000	131,260
Lord Chamberlain's Department -	- - - - -	64,450	66,499
Lord Chamberlain	- - - - -	3,073	2,000
Groom of the Stole	- - - - -	2,150	—
Lords in Waiting -	- - - - -	(12.) 8,424	(8.) 5,616
Grooms in Waiting	- - - - -	(13.) 4,368	(8.) 2,688
		18,015	10,304
First Lady of the Bedchamber	- - - - -	- - - - -	500
7 Ladies of the Bedchamber	- - - - -	- - - - -	3,500
8 Maids of Honour	- - - - -	- - - - -	2,400
7 Bedchamber Women	- - - - -	- - - - -	2,100
1 Resident Bedchamber Woman	- - - - -	- - - - -	300
Menial Female Attendants on Her Majesty's Person	- - - - -	- - - - -	960
		18,015	20,064
Other Offices and Superannuations	- - - - -	46,435	46,435
		£. 64,450	66,499

	Civil List of his late Majesty.	Proposed Civil List of Her Majesty.
	£.	£.
Lord Steward's Department - - - - -	36,500	36,381
Lord Steward - - - - -	2,436	2,000
Other Offices and Superannuations - - - - -	34,064	34,381
	36,500	36,381
Master of the Horse's Department - - - - -	28,500	27,650
Master of the Horse - - - - -	3,350	2,500
Other Offices and Superannuations - - - - -	25,150	25,150
	28,500	27,650
Department of the Robes - - - - -	850	730
Master of the Robes - - - - -	620	-
Mistress of the Robes - - - - -	-	500
Other Offices - - - - -	230	230
	850	730
RECAPITULATION :—SECOND CLASS.		
Lord Chamberlain - - - - -	64,450	66,499
Lord Steward - - - - -	36,500	36,381
Master of the Horse - - - - -	28,500	27,650
Master of the Robes - - - - -	850	730
	130,300	131,260
SECOND CLASS - - - - -		
THIRD CLASS - - - - -	171,500	172,500
Lord Chamberlain - - - - -	42,000	42,000
Lord Steward - - - - -	86,000	86,000
Master of the Horse - - - - -	39,500	39,500
Department of the Robes - - - - -	4,000	5,000
	171,500	172,500
THIRD CLASS - - - - -		
FOURTH CLASS - - - - -	23,200	23,200
Royal Bounty and Special Service - - - - -	9,000	9,000
Home Secret Service - - - - -	10,000	10,000
Alms and Charities - - - - -	4,200	4,200
	23,200	23,200
FOURTH CLASS - - - - -		
FIFTH CLASS : Pensions - - - - -	75,000	75,000
Unappropriated Money - - - - -		8,040
RECAPITULATION :		
FIRST CLASS - - - - -	110,000	60,000
SECOND CLASS - - - - -	130,300	131,260
THIRD CLASS - - - - -	171,500	172,500
FOURTH CLASS - - - - -	23,200	23,200
FIFTH CLASS - - - - -	75,000	75,000
Unappropriated Money - - - - -		8,040
	510,000	470,000

Whitehall, Treasury Chambers,  
23 November 1837.

F. T. BARING.

## Appendix, No. 2.

## 1.—FURTHER DETAILS in respect of the principal Heads of CHARGE in the Establishment of the LORD CHAMBERLAIN, Class II.

	£.
Lord Chamberlain -	2,000
Vice-Chamberlain -	924
8 Lords in Waiting -	5,616
8 Grooms in Waiting -	2,685
First Lady of the Bedchamber -	500
7 Ladies -	3,500
8 Maids of Honour -	2,400
8 Bedchamber Women -	2,400
Corps of Gentlemen at Arms -	5,129
Corps of Yeomen of the Guard -	7,100
Order of the Garter -	502
Order of the Bath -	419
Kings and Heralds at Arms -	355
Serjeants at Arms and Officers of Ceremonies -	1,556
Chaplains at Windsor, Kensington, Brighton, and Preachers at Whitehall -	1,236
Medical Establishment for Her Majesty and the Royal Household -	2,705
Gentlemen Ushers, Grooms, Pages, &c. -	7,576
Master of Music and Band -	1,916
Officers having charge of Furniture, &c. -	5,809
Surveyor of Pictures, and Principal Painter -	182
Bargemasters and Watermen -	400
Comptroller of Accounts, Clerks and Messengers in Lord Chamberlain's Office -	3,110
Governor of Windsor Castle, and Lieutenant Governor of ditto -	1,293
Retired and Superannuation Allowances -	7,556

## 2.—FURTHER DETAILS in respect of the principal Heads of CHARGE for the LORD STEWARD'S ESTABLISHMENT on Class II.

	£.
The Lord Steward -	2,000
Treasurer -	904
Comptroller -	904
Master of the Household -	1,158
Secretary, Paymaster of the Household, and Clerks, Office-keepers and Messengers in the Lord Steward's Office -	2,920
Ranger of Windsor Home Park -	500
Domestic Servants in the Ewry, Wine and Beer Cellars, Clerks of the Kitchen's Office, Kitchens, Confectionary, Pastry, Table Deckers, &c. -	9,938
Knight Marshal, Marshmen, and Expenses of the Marshalsea Prison -	1,924
Chapel Royal, Chaplain at St. James's, Whitehall Chapel and Lutheran Chapel -	3,535
Allowance in lieu of Table Money -	1,676
Superannuations, Bounties and Retired Allowances -	6,365

## 3.—FURTHER DETAILS in respect of the principal Heads of CHARGE for the MASTER of the HORSE'S ESTABLISHMENT in Class II.

	£.
Master of the Horse -	2,500
Chief Equerry and Clerk Marshal -	1,000
4 Equerries -	3,000
4 Pages of Honour -	460
Secretary, Clerks of Stables in London, at Windsor and Brighton -	1,500
Inspector and Veterinary Surgeon -	600
Equerry of Crown Stables -	445
Master of Buck Hounds -	1,700
Coachmen, Postillions, Helpers, Grooms, Porters, Footmen, and other Domestic Servants -	12,563
Superannuation and Retired Allowances -	2,766

## Appendix, No. 3.

M I N U T E S   O F   P R O C E E D I N G S.*Jovis, 23° die Novembris 1837.*

*Ordered*, That the Accounts of Income and Expenditure of the Civil List, from 1st January 1831 to 31st November 1836, with an Estimate of the probable future Charge of the Civil List of Her Majesty, be referred to a Select Committee.

*Ordered*, That the Committee do consist of Twenty-one Members :—That a Committee be appointed of—

Mr. Chancellor of the Exchequer.	Mr. Goulburn.
Mr. Hume.	Lord J. Russell.
Sir R. Peel.	Mr. Strutt.
Mr. Baring (of Portsmouth).	Sir T. Acland.
Mr. Hawes.	Lord Viscount Ebrington.
Mr. George Evans.	Mr. W. Miles.
Mr. Grote.	Sir T. Fremantle.
Mr. Bannerman.	Mr. Robert Palmer.
Mr. Villiers Stuart.	Mr. Lucas.
Mr. Sanford.	Mr. Macleod.

*Veneris, 24° die Novembris 1837.*

Present :

Mr. Chancellor of the Exchequer.

Mr. F. Baring.	Mr. Hawes.
Lord Ebrington.	Mr. Macleod.
Mr. George Evans.	Sir R. Peel.
Mr. Goulburn.	Mr. Strutt.
Sir T. Fremantle.	Mr. Sanford.
Mr. Grote.	Mr. Villiers Stuart.

Mr. Chancellor of the Exchequer called to the Chair.

Papers referred to the Committee, read. [Adjourned to Monday, at One.]

*Lunæ, 27° die Novembris 1837.*

Present :

Mr. Chancellor of the Exchequer.

Sir R. Peel.	Lord J. Russell.
Mr. Macleod.	Mr. F. Baring.
Mr. Hume.	Mr. Bannerman.
Mr. William Evans.	Mr. George Evans.
Mr. Strutt.	Mr. Sanford.
Mr. V. Stuart.	Lord Ebrington.
Mr. Goulburn.	Sir T. Acland.
Mr. Lucas.	Mr. Hawes.
Sir T. Fremantle.	

First Class of Civil List, £. 60,000.; agreed to.

Salary of Lord Chamberlain, from £. 3,703. to £. 2,000.; agreed to.

Groom of the Stole, not filled up.

Salaries of Lords in Waiting, to be reduced from £. 8,424. to £. 5,616.

Salaries of Grooms in Waiting, to be reduced from £. 4,368 to £. 2,488.

Salaries of Ladies of the Court, and Menial Servants, £. 9,760.; agreed to.

Lord Chamberlain's Superannuation postponed.

Salaries and Superannuations of the Officers and Servants in the Lord Chamberlain's Department, postponed.

Lord Steward's Salary, £. 2,000.; agreed to.

Salaries and Superannuations of the Officers and Servants in the Lord Steward's Department, postponed.

Master of the Horse's Salary, £. 2,500.; agreed to.

Salaries and Superannuation Allowances of the Officers and Servants in the Master of the Horse's Department, postponed.

Department of the Robes, £. 730.; agreed to.

[Adjourned till Wednesday, at Twelve.]

## APPENDIX TO REPORT FROM

*Mercurii, 29° die Novembris 1837.*

Present :

Mr. Chancellor of the Exchequer.

Mr. Macleod.	Sir R. Peel.
Lord J. Russell.	Mr. Grote.
Mr. George Evans.	Mr. Lucas.
Lord Ebrington.	Mr. Goulburn.
Mr. William Miles.	Mr. F. Baring.
Mr. Bannerman.	Sir T. Acland.
Mr. Sanford.	Mr. W. Evans.
Sir T. Fremantle.	Mr. Robert Palmer.
Mr. Hawes.	Mr. V. Stuart.
Mr. Hume.	Mr. Strutt.

Committee deliberate.

Motion made, and Question proposed by Mr. *Hume*,—That the Salary of the Captain of the Gentlemen-at-Arms, and the Captain of the Yeomen of the Guard, be £. 700. on the next vacancy ;—Negatived.

Motion made, and Question proposed by Mr. *Hume*,—That on the termination of the existing interests, the Salaries of the Governor and Lieutenant-Governor of Windsor Castle, be discontinued, as belonging to the class of Military Services.

Ayes.

Mr. Macleod.
Mr. Hume.
Mr. R. Palmer.
Mr. Grote.
Mr. Strutt.
Mr. William Evans.
Mr. Baring.
Mr. Hawes.
Lord Ebrington.

Noes.

Sir R. Peel.
Sir T. Acland.
Mr. Sanford.
Mr. Bannerman.
Mr. Villiers Stuart.
Sir T. Fremantle.
Mr. Goulburn.
Mr. William Miles.
Mr. Lucas.
Lord J. Russell.

Ayes, 9.

Noes, 10.

Negatived.

Lord Chamberlain's Department, £. 46,435., for Offices and Superannuations ; agreed to.

Master of the Horse's Department, £. 25,150., for Offices and Superannuations ; agreed to.

Lord Steward's Department, £. 34,581., for Offices and Superannuations ; agreed to.

Second Class, £. 131,260. ; agreed to.

[Adjourned till To-morrow, at One.

*Jovis, 30° die Novembris 1837.*

Present :

Mr. Chancellor of the Exchequer.

Mr. Hume.	Mr. Hawes.
Mr. Macleod.	Mr. Robert Palmer.
Mr. W. Evans.	Mr. George Evans.
Lord Viscount Ebrington.	Mr. F. Baring.
Mr. W. Miles.	Mr. Lucas.
Mr. Sanford.	Mr. Goulburn.
Mr. Grote.	Mr. Bannerman.
Mr. Strutt.	Mr. Villiers Stuart.
Lord J. Russell.	Sir T. Fremantle.
Sir T. Acland.	

Motion made, and Question proposed by Mr. *Grote*,—That the Sum of £. 5,000. be granted for the Department of the Robes :—Agreed to.

Third Class, £. 172,500. :—Agreed to.

Committee deliberate.

Motion

Motion made, and Question proposed by Mr. *Grote*,—That the item of £. 10,000., included in the Fourth Class, under the title of Home Secret Services, be struck out from the Civil List Act.

## Ayes.

Mr. George Evans.  
Mr. William Evans.  
Mr. Grote.  
Mr. Hume.  
Mr. Hawes.  
Mr. Strutt.

## Noes.

Sir T. Acland.  
Mr. Bannerman.  
Mr. F. Baring.  
Lord Viscount Ebrington.  
Sir T. Fremantle.  
Mr. Goulburn.  
Mr. Lucas.  
Mr. Macleod.  
Mr. W. Miles.  
Mr. Robert Palmer.  
Lord J. Russell.  
Mr. Sanford.  
Mr. Villiers Stuart.

Ayes, 6.

Noes, 13.

Negatived.

Motion made, and Question proposed by Mr. *W. Miles*,—That the Committee recommend that the Sum of £. 10,000., now charged on the Civil List for Secret Services, be transferred to the Consolidated Fund by Act of Parliament, and be applied to the same purposes and under the same authority as heretofore.

## Ayes.

Sir T. Acland.  
Mr. Bannerman.  
Mr. F. Baring.  
Lord Viscount Ebrington.  
Mr. W. Evans.  
Mr. Goulburn.  
Mr. Lucas.  
Mr. Macleod.  
Mr. William Miles.  
Mr. Robert Palmer.  
Lord J. Russell.  
Mr. Sanford.  
Mr. Villiers Stuart.  
Mr. Strutt.

## Noes.

Mr. George Evans.  
Mr. Grote.  
Mr. Hume.  
Mr. Hawes.

Ayes, 14.

Noes, 4.

Affirmative.

Motion made, and Question proposed by Mr. *Hume*,—That the sum of £. 13,200. be granted for the Fourth Class of the Civil List :—Agreed to.

Fifth Class respecting Pensions, £. 75,000. ; considered.

Motion made, and Question proposed by Mr. *Hume*,—That it is not expedient to make any provision for Pensions in the Civil List of Her Majesty.

## Ayes.

Mr. Grote.  
Mr. Hume.  
Mr. Hawes.  
Mr. Strutt.

## Noes.

Sir T. Acland.  
Mr. Bannerman.  
Mr. F. Baring.  
Lord Viscount Ebrington.  
Mr. George Evans.  
Mr. William Evans.  
Sir T. Fremantle.  
Mr. Goulburn.  
Mr. Lucas.  
Mr. Macleod.  
Mr. William Miles.  
Mr. Palmer.  
Lord J. Russell.  
Mr. Sanford.  
Mr. Villiers Stuart.

Ayes, 4.

Noes, 15.

Negatived.

Fifth Class ; Amount of Pensions to be further considered To-morrow.

[Adjourned till To-morrow, at One.

## APPENDIX TO REPORT FROM

*Veneris, 1<sup>o</sup> die Decembris 1837.*

## Present :

## Mr. Chancellor of the Exchequer

Lord J. Russell.	Mr. Macleod.
Mr. Hume.	Mr. Robert Palmer.
Mr. W. Evans.	Mr. George Evans.
Mr. Strutt.	Mr. F. Baring.
Lord Ebrington.	Mr. W. Miles.
Mr. Goulburn.	Mr. Bannerman.
Mr. Sanford.	Mr. Villiers Stuart.
Mr. Grote.	Mr. Hawes.
Sir T. Acland.	Sir Robert Peel.
Sir T. Fremantle.	Mr. Lucas.

Motion made, and Question proposed by Mr. *Grote*,—That inasmuch as the Chancellor of the Exchequer is about to move for a Committee of the House of Commons to inquire expressly and specially into the Pension List, the consideration of the Amount fit to be assigned to the Fifth Class of the Civil List be postponed, until it shall be seen whether The House of Commons thinks fit to appoint such Committee; and until such Committee, if appointed, shall have made its Report.

## Ayes.

Mr. George Evans.
Sir T. Fremantle.
Mr. Goulburn.
Mr. Grote.
Mr. Hawes.
Mr. Hume.
Mr. Lucas.
Mr. Robert Palmer.
Sir Robert Peel.
Mr. Strutt.

## Noes.

Sir T. Acland.
Mr. Bannerman.
Lord Viscount Ebrington.
Mr. William Evans.
Mr. Macleod.
Mr. Miles.
Lord J. Russell.
Mr. Sanford.
Mr. Villiers Stuart.

Ayes, 10.

Noes, 9.

Agreed to.

A Grant of £. 8,040., unappropriated Money, for Civil List ; agreed to.

[Adjourned till Monday, at One.

*Lunæ, 4<sup>o</sup> die Decembris 1837.*

## Present :

## Mr. Chancellor of the Exchequer.

Mr. Hume.	Mr. Robert Palmer.
Mr. Macleod.	Mr. George Evans.
Mr. Strutt.	Sir Thomas Fremantle.
Mr. W. Evans.	Mr. Hawes.
Mr. Villiers Stuart.	Mr. Grote.
Mr. Bannerman.	Mr. Sanford.
Mr. Goulburn.	Sir Robert Peel.
Mr. Lucas.	Lord Ebrington.
Mr. F. Baring.	Lord John Russell.
Mr. Miles.	

Committee deliberate.

Motion made, and Question proposed by Mr. *Bannerman*,—That provision be made to enable Her Majesty to grant, in Pensions on the Civil List, a Sum not exceeding in any one year the Sum of £. 1,200.; such provision to be granted strictly under the Resolutions of Parliament in 1834.

Ayes.

Ayes.	Noes.
Mr. Bannerman.	Mr. George Evans.
Mr. F. Baring.	Mr. Grote.
Lord Ebrington.	Mr. Hawes.
Mr. William Evans.	Mr. Hume.
Sir Thomas Fremantle.	Mr. Strutt.
Mr. Goulburn.	
Mr. Lucas.	
Mr. Macleod.	
Mr. Miles.	
Mr. Robert Palmer.	
Sir Robert Peel.	
Lord John Russell.	
Mr. Sanford.	
Mr. Villiers Stuart.	

Ayes, 14.

Noes, 5.

Agreed to.

Motion made, and Question proposed,—That the Names of all Persons to whom Civil List Pensions are granted, shall be annually laid before Parliament :—  
Agreed to.

Motion made, and Question proposed,—That the Resolution of The House of Commons of February 1834, be introduced into the Act for granting a Civil List to Her Majesty :—Agreed to.

Draft of Report read as far as Pensions ; to be considered To-morrow.

[Adjourned till To-morrow, at Two.]

*Martis, 5<sup>o</sup> die Decembris 1837.*

Present :

Mr. Chancellor of the Exchequer.

Mr. Hume.	Lord Ebrington.
Mr. Macleod.	Mr. Miles.
Mr. George Evans.	Mr. Lucas.
Mr. W. Evans.	Sir Robert Peel.
Mr. Strutt.	Mr. Goulburn.
Mr. Palmer.	Mr. Sanford.
Mr. Bannerman.	Mr. Grote.
Mr. V. Stuart.	Sir Thomas Fremantle.
Sir Thomas Acland.	Mr. F. Baring.

Draft of Report respecting Pensions ; read.

Amendment proposed,—To leave out all the words in the Report respecting Pensions, for the purpose of inserting Sir Robert Peel's Amendment, No. 1.

AMENDMENT TO REPORT moved by Sir R. Peel.

No. 1.

THE Fifth Class of the Civil List comprised the provision made for such Pensions as were placed upon the Civil List.

The subject of the Civil List Pensions granted previously to the accession of William the Fourth, is fully discussed in the Report of the Committee on the Civil List, appointed in 1830. In pursuance of the recommendation contained in that Report, the Pensions on the three several Lists of England, Scotland and Ireland, were consolidated into one Alphabetical List, and the whole of the Pensions, amounting to the net sum of £. 145,000., were placed partly upon the Civil List, and partly upon the Consolidated Fund ; the annual amount of £. 75,000. being placed upon the former establishment.

In reference to the propriety of continuing, after the accession of William the Fourth, the Pensions granted by preceding Sovereigns, the Committee of 1830 make the following Remarks :—

“ The Committee next proceeded to the consideration of the Fifth Class, that of the Pensions. In taking this subject under their consideration, they could not

conceal from themselves its importance and difficulty. They feel that the impression made upon the public mind by the Lists of the Names of Persons in the receipt of these Pensions, has been very unfavourable. They are aware that certain Names upon these Lists have been selected as objects of peculiar animadversion ; and they, therefore, have felt it their duty to explain to The House fully the case as it appears to them. Up to the time when the Act of 22 Geo. III. c. 82, commonly called Mr. Burke's Act, was passed, Pensions of this nature were granted without any limit and without any control. In that Act it was provided, that the amount granted on the English Civil List should be reduced gradually to £. 95,000. by no larger a sum than £. 600. a year being granted in Pensions not exceeding £. 300. each in any one year, till such reduction was effected. In Scotland, the same principle was applied by the 50th of Geo. III. c. 3; and the amount of the Pensions was to be reduced to £. 25,000., no more than £. 800. to be granted in any one year, till such reduction was effected. In Ireland, the same principle was not applied till 1793, when by the 33d of Geo. III. c. 34, in the Irish Statutes, the Pensions on the Civil List in Ireland were limited to £. 80,000., £. 1,200. only being allowed to be granted till such reduction was effected ; and again they were further limited by the 1st Geo. IV. c. 1, to £. 50,000. Thus making at the close of the late King's reign, for the whole United Kingdom, the sum of £. 170,000. divided into three Lists, as the sum to which the Pensions were ultimately to be reduced.

" The House must recollect that the principle on which the sum is allotted by Parliament for the purpose of the Civil List, is as a payment for the personal advantage of the Sovereign, and for the support of the dignity of the Crown, in lieu of the Hereditary Revenue which at the commencement of each reign the Sovereign sacrifices for the benefit of the Public. Some provision, therefore, ought in all cases to be made for such payments as it might be presumed that the Sovereign would be desirous of making, if he had remained in possession of his Hereditary Revenue. That one class of such payments would be Pensions to those of his subjects whom he wished to favour, cannot be doubted ; and as long as such provision is moderate, and suited to the circumstances of the Country, no reasonable objection can be made to it. The Sovereign, however, has only a life-interest in the Hereditary Revenues of the Crown, as now regulated by different Acts of Parliament, and therefore no Pension charged upon the Hereditary Revenue as now regulated by him, could legally be due beyond the period of the demise of the Crown. At the same time it would be a harsh measure to overlook, on this present occasion, that which has been the uniform usage on all former settlements of the Civil List. Pensions on the Civil List have always hitherto been considered to be granted for life, and, in fact, no instance has occurred wherein a Pension on the Civil List granted by one Sovereign has been discontinued on the accession of his successor. It is more than probable, therefore, that parties relying on an adherence to an invariable custom, have made family settlements and pecuniary arrangements of various kinds, with all of which His Majesty must necessarily interfere, should the continuance of these Pensions, for the first time, on his accession to the Throne, be refused. Adverting to all the circumstances of the case, considering that no material relief to the finances of the Country could be derived from the most rigid measures of retrenchment applied to the Pension List; that in many cases severe distress, in some actual injustice, would arise to individuals from the general discontinuance of Pensions ; that such discontinuance on the occasion of His Majesty's accession would be a departure from an usage invariably observed on the accession of His Majesty's predecessors, Your Committee do not think it advisable to withdraw from the Crown those funds which may enable the Crown, if it shall so think fit, to continue the Pensions on the Civil List of his late Majesty. These observations, however, do not apply to the grant of future Pensions on the Civil List ; if granted with a distinct notice to the individuals receiving them that they are not only legally terminable on the demise of the Sovereign by whom they have been granted, but that they are liable to be revised or discontinued on the settlement of a new Civil List ; there can be no obstacle to the reconsideration at that time of the then existing Pension List.

" The

"The Committee, therefore, proceeded to consider the Three Lists of Pensions under this view of the subject. They consider that the present amount of Pensions on these three Lists is much larger than it ought to be; and they recommend that it should be reduced from the gross Sum of £. 170,000. or the net Sum of £. 145,750. at which it stood at the demise of his late Majesty, to £. 75,000. net.

"The mode in which they propose that this Reduction should be made is, by consolidating the three Lists in one Alphabetical List, and that the Pensions to the amount of £. 75,000. on the first part of this Alphabetical List shall be placed on the Civil List, and the remainder charged on the Consolidated Fund.

"The Public will, therefore, receive the whole benefit of the Pensions which fall in from that part of them which are charged on the Consolidated Fund; while His Majesty will have the immediate advantage of the vacancies which occur in those payable from the Civil List. This Sum of £. 75,000. will hereafter be the only Sum applicable to Pensions charged upon the Civil List for the whole of the United Kingdom."

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Such were the opinions expressed by the Civil List Committee appointed in 1830; they were acted upon by the Government and by Parliament on the arrangement of the Civil List for the last reign; no inquiry into individual Pensions was instituted, the usage invariably observed on the demise of former Sovereigns was advisedly adhered to, and the Crown was enabled to continue the Pensions with which the Civil List had been previously charged. The demise of the Crown has now placed these Pensions, so far as the rigid construction of law is concerned, in the same position in which they stood on the accession of his late Majesty. But Your Committee submit to the House, that the objections which were urged and which prevailed in 1831 against the discontinuance or revision of these Pensions, have acquired increased force, not merely from the lapse of time, and from the intervention of a whole reign, but from the deliberate proceedings and acts of the Legislature, and the indication which those acts and proceedings supply of the views and intentions of Parliament.

The lapse of time has rendered less accessible in 1837, than it was in 1830, satisfactory evidence as to the grounds upon which Pensions were granted; many Pensions existing in 1830 have fallen in from the death of the parties, and some from the voluntary resignation of them. Of the Ministers (thirteen in number) who have presided over the Treasury during the period of above sixty years, over which the Pension List extends, according to the last Return in 1835, three only now survive, whose collective tenure of office is limited to the period of six years. Of those who have held the office of First Lord of the Treasury from May 1804 to the late King's accession in 1830, two only are now living, whose tenure of office was limited to three years out of the whole period of twenty-six.

Including—  
Mr. George Grenville.  
The Duke of Grafton.  
Lord North.  
The Earl of Shelburne.  
Mr. Pitt.  
Lord Sidmouth.  
Lord Grenville.  
The Duke of Portland.  
Mr. Perceval.  
Lord Liverpool.  
Mr. Canning.  
Lord Goderich.  
The Duke of Wellington.

But, in addition to these considerations, it appears to Your Committee, that the expectations entertained by the parties as to the duration of their Pensions, notwithstanding the demise of the Crown, in consequence of the invariable previous usage, must have been converted by the course taken by the Government and Parliament in 1831, into little short of entire confidence in the future liberality of the Crown and Parliament. Those parties found it stated in the Report of the Civil List Committee appointed on the motion of Lord Althorp, after the resignation of the Duke of Wellington, "that it would be a harsh measure to overlook on that occasion that which had been the uniform usage on all former settlements of the Civil List; and that it was more than probable that parties relying on an adherence to an invariable custom, have made family settlements, and pecuniary arrangements of various kinds, with all of which His Majesty must necessarily interfere should the continuance of their Pensions, for the first time on his accession to his Throne, be refused."

They found that the Committee, at the same time that it distinctly admitted that at that time strong prejudices existed against the Pension List, recommended, notwithstanding, "that upon a review of all the circumstances of the case, the

Crown should be enabled, if it so thought fit, to continue the Pensions on the Civil List of preceding Sovereigns."

They found that Parliament adopted and acted upon the recommendation of the Committee; that it placed at the discretion of the Crown full provision for the continuance of the Pensions, without exception; and that the Crown did not exercise in a single instance the power which it unquestionably possessed of discontinuing such Pensions.

Under these circumstances, Your Committee submit to The House, in concurrence with the Report of the former Committee on the Civil List, and adopting the terms in which the recommendation of that Committee was conveyed, that, "adverting to all the circumstances of the case, considering that no material relief to the Finances of the Country could be derived from the most rigid measures of retrenchment applied to the Pension List, that in many cases severe distress, in some, actual injustice, would arise to individuals from the general discontinuance of Pensions, that such discontinuance on the occasion of Her present Majesty's accession, would be a departure from an usage invariably observed on the accession of Her Majesty's Predecessors," that it is not advisable to withdraw from the Crown those funds which may enable the Crown, if it shall so think fit, to continue the Pensions granted by his late Majesty, and those also which were on the Civil List at the period of his late Majesty's accession.

Question proposed, That the original words stand part:—Agreed to.

Amendment Negated.

Paragraph in the Report alluding to the future appointment by the House, of a Committee on Pensions:—Read.

Amendment proposed: To leave out from the words, "But in order" to "should be instituted," for the purpose of inserting Sir Robert Peel's Amendment, No. 2.

**AMENDMENT TO REPORT moved by Sir R. Peel.**

**No. 2.**

"but as Your Committee understand that it is the intention of Her Majesty's Government to propose the appointment of a Committee of Inquiry into the Pension List, and as it appears to Your Committee that it would be inconsistent with such a Motion (should it be acceded to by The House), now to fix definitively the sum of £. 75,000. as a future provision for Pensions upon the Civil List, Your Committee recommend."

Question proposed, That the original words stand part:—Agreed to.

Amendment Negated.

Amendment proposed by Mr. Hume,—To insert at the end of the Report the following words:—

"As the Committee have not had sufficient details before them to enable them to judge either as to the number of Officers and Servants in the departments of the Lord Chamberlain, the Lord Steward and the Master of the Horse, or as to the Tradesmen's bills in those several departments, the Committee do not consider themselves called upon to offer any opinion as to the adequacy of the details of the Estimate."

Question put, and Negated.

Report again read, and Agreed to.

The Chairman instructed to move in the House for the Minutes of the Committee to be laid before them.

Appendix:—Agreed to.

To Report.



R E P O R T

FROM THE

SELECT COMMITTEE

APPOINTED TO

INQUIRE INTO THE ACCOUNTS OF INCOME  
AND EXPENDITURE

or

THE CIVIL LIST,

From 1st January 1831 to 31st December 1836;

WITH AN

ESTIMATE OF THE PROBABLE FUTURE CHARGE OF  
THE CIVIL LIST OF HER MAJESTY.

*Ordered, by The House of Commons, to be Printed,  
5 December 1837.*

# F I R S T    R E P O R T

FROM THE

## SELECT COMMITTEE

ON

# P    E    N    S    I    O    N    S.

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*Ordered, by The House of Commons, to be Printed,*  
*30 March 1838.*

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*Veneris, 8<sup>o</sup> die Decembris 1837.*

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**Ordered,** THAT a Select Committee be appointed, to inquire how far Pensions granted in virtue of 1 Will. IV. c. 24, and charged on the Civil List, and in virtue of 2 and 3 Will. IV. c. 116, and charged on the Consolidated Fund, ought to be continued, having due regard to the just Claims of to the Parties, and to economy in the Public Expenditure.

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*Lunæ, 18<sup>o</sup> die Decembris 1837.*

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**Ordered,** THAT the Committee do consist of Twenty-one Members : viz.—

Mr. Chancellor of the Exchequer.	Sir Eardley Wilmot.
Lord John Russell.	Mr. Handley.
Mr. Grote.	Lord Viscount Ebrington.
Mr. Bannerman.	Mr. Rickford.
Mr. Plumptre.	Mr. Strutt.
Mr. Hume.	Mr. Macleod.
Mr. Sanford.	Mr. Goddard.
Mr. Hawes.	Mr. Phillpotts.
Mr. Alderman Copeland.	Mr. Villiers Stuart.
Mr. William Evans.	Mr. George Evans.
Mr. Pendarves.	

**Ordered,** THAT the said Committee have power to send for Persons, Papers and Records.

**Ordered,** THAT Five be the Quorum.

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## R E P O R T.

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THE SELECT COMMITTEE appointed to inquire how far PENSIONS granted in virtue of 1 WILL. IV. c. 24, and charged on the Civil List, and in virtue of 2 and 3 WILL. IV. c. 116, and charged on the Consolidated Fund, ought to be continued, having due regard to the just Claims of the Parties, and to Economy in the Public Expenditure; and who were empowered to report from time to time:—HAVE proceeded in the Inquiry committed to them; and have agreed to this their FIRST REPORT.

IN discharge of the duties confided to them by The House, Your Committee have proceeded to consider the cases of the several persons whose names appear on the Pension List of his late Majesty. Although Your Committee have prosecuted their inquiries with uninterrupted diligence, yet, as it appeared both necessary and expedient to investigate separately and distinctly each of the many hundred cases brought under examination, it ought not to be a matter of surprise that their inquiry, though considerably advanced, has not as yet been brought to a close.

In the meanwhile, and pending their proceedings, Your Committee feel that it would be inexpedient, and in many cases that it would be productive of severe distress, if the payments accustomed to be made in the April quarter were superseded until a final Report can be made to The House.

Without in any respect wishing to anticipate what may be their ultimate recommendation, and abstaining altogether from any act that might be construed as a prejudgment of the questions referred to them, Your Committee are of opinion, that a provision should be made by Parliament for the sums payable on the 5th April, it being distinctly understood, that until the whole subject shall have been finally disposed of, no re-grants of these Pensions shall take place, and that the whole subject of the Pensions is reserved as fully for the deliberation and decision of Parliament as if the payment now recommended had not been made.

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F I R S T R E P O R T

FROM THE

SELECT COMMITTEE

ON

P E N S I O N S.

*Ordered, by The House of Commons, to be Printed,*  
*30 March 1838.*

# R E P O R T

FROM

SELECT COMMITTEE

ON

# P E N S I O N S.

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*Ordered, by The House of Commons, to be Printed,*  
24 July 1838.

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[*Price 1 s. 6 d.*]

*Veneris, 8<sup>o</sup> die Decembris, 1837.*

*Ordered,* THAT a Select Committee be appointed to inquire how far Pensions granted in virtue of 1 Will. IV. c. 24, and charged on the Civil List, and in virtue of 2 & 3 Will. IV., c. 116, and charged on the Consolidated Fund, ought to be continued, having due regard to the just claims of the parties and to economy in the public expenditure.

*Lunæ, 18<sup>o</sup> die Decembris, 1837.*

*Ordered,* THAT the Committee do consist of Twenty-one Members, and a Committee is nominated of—

Mr. Chancellor of the Exchequer.	Mr. Goddard.
Mr. Handley.	Mr. W. Evans.
Mr. Bannerman.	Mr. George Evans.
Mr. Strutt.	Lord John Russell.
Mr. Hawes.	Lord Ebrington.
Mr. Phillpotts.	Mr. Hume.
Mr. Pendarves.	Mr. Macleod.
Sir E. Wilmot.	Mr. Alderman Copeland.
Mr. Grote.	Mr. Villiers Stuart.
Mr. Rickford.	Mr. Plumptre.
Mr. Sanford.	

*Ordered,* THAT the Committee have power to send for Persons, Papers and Records.

*Ordered,* THAT Five be the Quorum of the Committee.

*Veneris, 16<sup>o</sup> die Martii, 1838.*

Mr. Bannerman discharged from further attendance.

Mr. George Wilbraham added to the Committee.

Chancellor of the Exchequer, Mr.	Pendarves, Mr.
Copeland, Mr. Alderman.	Phillpotts, Mr.
Ebrington, Lord.	Plumptre, Mr.
Evans, Mr. George.	Rickford, Mr.
Evans, Mr. William.	Russell, Lord John.
Goddard, Mr.	Strutt, Mr.
Grote, Mr.	Stuart, Mr. E.
Handley, Mr.	Wilbraham, Mr.
Hawes, Mr.	Wilmot, Sir E.
Hume, Mr.	Sanford, Mr.
Macleod, Mr.	

*Veneris, 30<sup>o</sup> die Martii, 1838.*

*Ordered,* THAT the Committee have power to report from time to time to The House.

*Martis, 24<sup>o</sup> die Julii, 1838.*

*Ordered,* THAT the Committee have power to report the Minutes of their Proceedings.

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## R E P O R T.

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THE SELECT COMMITTEE appointed to inquire how far PENSIONS granted in virtue of 1 WILL. IV. c. 24, and charged on the Civil List, and in virtue of 2 & 3 WILL. IV. c. 116, and charged on the Consolidated Fund, ought to be continued, having due regard to the just Claims of the Parties and to Economy in the Public Expenditure, and who were empowered to report from time to time to The House:—HAVE further inquired into the matters referred to them, and have agreed upon the following REPORT, together with an ANALYSIS of the PENSION LIST:

YOUR COMMITTEE have proceeded to the execution of their duty with the deepest sense of its importance, and of the responsibility cast upon them by the Order of The House. Whilst they felt that, on the one hand, no pains should be spared to bring the facts of each case under distinct observation, it was no less apparent, on the other, that the utmost consideration and discretion were requisite where the personal and family circumstances of so many individuals were made the subject of examination. Your Committee have endeavoured to avoid the evils either of a useless, and therefore a culpable, remissness, or of any unnecessary and uncalled-for disturbance of private interests and feelings. It has been their constant aim to act with strict impartiality, and to execute their task with the utmost attention and industry.

Before Your Committee proceed to present to The House any specific recommendations, they think that it will be satisfactory to the Public that the history of the several branches of the Pension List should be shortly stated, in reference to the various changes which have been made by law or usage in this branch of the public expenditure. Indeed such a detail is required, not only to make the whole subject clear and intelligible, but for the purpose of explaining some of the recommendations of the Committee, and the principles on which they have proceeded.

During the reigns of their late Majesties King George III. and George IV., the Pension List of the Sovereign might be classed under four different heads :

- The Civil List Pensions of England.
- The Civil List Pensions of Ireland.
- The Pensions charged on Hereditary Revenues of Scotland.
- The Pensions charged on the 4½ per cent. Duties.

Your Committee will proceed to examine each of these classes separately, in order to enable The House to understand the principles upon which Pensions have been granted in former times, as well as under the existing laws and regulations, and thence to distinguish the rights and titles of the parties holding Pensions by grants from the Crown.

### ENGLISH PENSIONS.

Before the reign of Anne, the Sovereigns of England appear to have exercised a right to alienate or encumber the various branches of their hereditary possessions. In the note made by Mr. Hargrave upon the Bankers case, he states, that “the whole Court of Exchequer agreed that in general the King could alienate the possessions of the Crown.” The same point was again affirmed on appeal. This important case was argued in 1690–1691. Chief Justice Treby, in his argument, stated distinctly, “that the Kings of England had always the power to alien their revenues;” and in answer to the objection that such power might lead to the waste and destruction of the revenue, he adds, “This might

<sup>14 State Trials, p. 3.</sup>  
P. 23.

P. 30.

be some reason to induce the making of an Act of Parliament to restrain the King's powers of alienation, but since here the Parliament has thought fit to give the King such a power, we ought to acquiesce and submit to it." Lord Holt in affirming the same opinion adds, "It is no objection that this revenue was given to the King under a trust, for notwithstanding that, he might alien it. The King was seised of an estate in fee of this revenue, and to such an estate the power of alienation is incident." Lord Somers in delivering his opinion in the Exchequer Chamber stated, that "My Lords the Judges, who have argued these cases on the writs of error, have all agreed that these letters patent were good in law to pass an interest to the patentees and their heirs, and to bind the King and his successors."

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In the Bankers case, the grants which were under consideration were annuities charged on the hereditary Excise, but a similar power had been applied even more widely to the Land Revenue of the Crown, of which improvident grants had been continually made, to the loss and disinherison of the successors to the Throne.

So indefensible a practice could not be permitted to continue, and consequently the remedy suggested by Chief Justice Treby was resorted to. After a recital that "the necessary expenses of supporting the Crown, or the greatest part of them, were formerly defrayed by a land revenue, which hath from time to time been impaired and diminished by the grants of former Kings and Queens of this realm," it is enacted, by the 1 Anne, st. 1, c. 7, s. 5, that no grant of manors, lands, &c. shall be made by the Crown from and after the 25th day of March 1702, beyond the term of 31 years or for three lives, reserving a reasonable rent." As this enactment applied only to the Land Revenue, it is provided by a subsequent section (s. 7.), that "to the intent the inheritance of her Majesty in the hereditary duties on beer, ale or other liquors, in the post-office, and in the small branches of her Majesty's revenue hereinafter mentioned, that is to say, the First Fruits and Tents, fines on writs, post fines, wine licenses, Sheriff's processes and compositions, seizures of uncustomed and prohibited goods, may be preserved in the Crown for the future benefit thereof; no portion of such revenue shall hereafter be alienable or grantable by her Majesty, her heirs and successors, for any estate or term to endure longer than her or their life or lives; and that any grant, either of lands or revenues, contrary to such enactments, should be null and void."

It is necessary to observe, that no statute containing analogous provisions was passed in Ireland, nor do the Scotch Hereditary Revenues, or the 4*l* per cent. Duties come within the restraining clauses. The 1st Anne was passed in 1701, five years anterior to the Act of Union with Scotland.

Your Committee do not think it necessary to make any particular observation with respect to the state of the Pension List in the reigns of George I. and George II.; but the events of the reign of his late Majesty King George III. require more close examination. The events of that reign as connected with the subject of Pensions must be examined as they occurred before and after the

22 Geo. 3, c. 82.

enactment of Mr. Burke's Bill in 1782.

On the accession of King George III. a Civil List was settled on his Majesty, in consideration of the surrender of the larger branches of the hereditary Revenue of England. On this Civil List, amounting originally to £. 800,000, and afterwards increased to £. 900,000, the Civil List Pensions of England were charged, and at various times when debts on the Civil List had accumulated, Parliament voted very considerable sums for their discharge.

In the month of February 1780, during the administration of Lord North, Mr. Burke introduced his Bill for the better security of the independence of Parliament, and the economical reformation of the civil and other establishments. In that Bill it was recited that the Pension Lists were excessive and not properly regulated, and that a custom prevailed of granting Pensions on a Private List during his Majesty's pleasure, under colour that in some cases it may not be expedient for the public good to divulge the names of the persons on the said Lists, by means of which usage much secret and dangerous corruption may hereafter be practised. With the view of remedying these two sources of abuse, Mr. Burke proposed,—1st. That after carefully protecting all existing rights, the English Pension List should be gradually reduced to a maximum of £. 60,000, which sum he considered "adequate for a reward of all real merit,

Parliamentary His.  
tory, p. 118.

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and a provision for all real public charity, leaving any extraordinary cases to be provided for by an address from either House of Parliament."

The Bill introduced by Mr. Burke in 1780, though at the first countenanced by the Government, was ultimately defeated and lost; and it was not till after a change of government that the consideration of this question was effectually resumed. On the 15th April 1782, Mr. Fox, then Secretary of State, brought down a Message from the Crown, in which the King recommended to the House of Commons "the consideration of an effectual plan of economy through all branches of the public expenditure; towards which important object His Majesty had taken into his actual consideration a reform and regulation of his Civil Establishment, desiring the assistance of The House towards carrying the same more fully into execution." On this Message was founded the Act of the 22 George III., c. 82., for the regulation of the Civil List. The 19th section of this Act, provided, that all Civil List Pensions should be paid in future at the Exchequer; that the whole English Pension List should be limited to £. 95,000; that until such reduction was effected, the power of the Crown to grant Pensions should be limited to £. 600 per annum; and that the names of the persons to whom Pensions were so granted should be laid before Parliament. It is important to observe, that in this Statute the principles laid down by Mr. Burke in 1780 are affirmed by the Legislature, viz. that "by means of secret Pensions dangerous corruptions may hereafter be practised, and that it is no disparagement to any person to be relieved from the royal bounty in their distress, or for their *desert*; but, on the contrary, it is honourable on just cause to be thought worthy of such reward." Your Committee call the attention of The House specially to these words, as a Parliamentary recognition, that distress or desert were the conditions contemplated by the Legislature to justify the grant of Pensions on the Civil List.

From this statement The House will perceive that prior to the Act of 22 Geo. III. there were no limits, except those of the Civil List itself, within which the grant of Pensions was confined, and that by Mr. Burke's Act a maximum of £. 95,000 was placed upon English Civil List Pensions. By the same Act the principle is asserted, that distress or desert ought to be considered as regulating the future grants of such Pensions, and that Parliament had a full right to be informed in respect to this exercise of the prerogative, in order to ensure and to enforce the responsibility of the Ministers of the Crown.

The Civil List arrangements of his late Majesty King George IV. made no alteration in the amount of the English Civil List Pensions, which still remained subject to the maximum of £. 95,000, as fixed by the Act of 1782; neither was there any new principle asserted to regulate the grant of Pensions, no allusion being made to this part of the subject.

As the arrangements for the Civil List of his late Majesty King William IV., so far as they related to Pensions, embraced the Scotch and Irish as well as the English Pensions, and the Pensions on the 4*½* per cent. Duties, Your Committee think that they can bring the whole question more clearly before The House by now proceeding to consider the history and progress of Pensions on the Scotch and Irish Establishments.

### IRISH PENSIONS.

The case of the Irish Pension List differs in many respects from that of the Pensions of England.

Prior to the year 1793 the system of a regular Civil List to which the expenses of the Government were limited was unknown; neither did there exist a Board of Treasury acting under adequate responsibility, and bound to execute their functions subject to the authority of Parliament. The Government of the day claimed and exercised an unrestrained power of granting Pensions, not only during the pleasure of the Crown, or for the life of the Sovereign, but for terms of years, or during the life of the grantee, or during any concurrent number of lives, in being, or, in reversion. The state of the law in respect to the Irish revenue is described with great minuteness in a speech of the Secretary of State, Mr. Hutchinson, made in the Irish House of Commons on the 26th June 1793; in that speech it is stated that the gross annual hereditary revenue of Ireland, for the year

ending the 25th March 1792, amounted to £. 764,627, reduced by various charges, including the expense of the collection of the whole public income, to a sum of £. 275,102 only; the quit-rents of Ireland had been received in compensation for the forfeited lands, and the hearth money as an equivalent for the abolition of the Court of Wards; the hereditary Excise and Customs were granted contemporaneously, and in consideration of the great Act of Settlement in 1662. The disposition of this revenue is stated by the Secretary of State to have been in the King, and "his letters and seals were the only authority for using it, and the only voucher allowed by the Commissioners of Accounts and by the House of Commons."

The House will observe, that the English Act of 1 Anne, already cited, did not apply to Ireland, and thus the Crown was left in possession of an unrestrained power of creating charges on the hereditary revenue, which when created bound the Sovereign and his successors.

This power appears to have been greatly abused, and was therefore loudly complained of. In the year 1757 the following Resolution was unanimously voted by the Irish House of Commons: "Resolved, That the granting of so much of the public revenue in Pensions is an improvident disposition of the revenue, an injury to the Crown and detrimental to the people."

It appears on the authority of Mr. Hutchinson, that in 1757 the Irish Pensions amounted to £. 40,000. But the Resolutions of The House appear to have produced no salutary consequence, as a further addition of Pensions was made in the two following years of no less a sum than £. 20,000. In the year 1778 a Resolution was moved in The House of Commons, "That the Pension List greatly exceeded all the other charges of the Civil List in 1757, and was nearly double the Pension List of that day." In 1787 the subject was resumed, and a motion made by Mr. Forbes for leave to bring in a Bill to limit the amount of Pensions, and to disable persons holding Pensions for a term of years, or during pleasure, from sitting and voting in Parliament. At this period, Members of The House of Commons of Ireland were pensioners of the Crown, and it was stated by the Mover of this Bill, that "it was a practice among certain Members of The House, to whom Pensions had been granted, to carry them into the market and expose them to sale." Leave to bring in this Bill was refused. Mr. Forbes was not however discouraged, and in 1790 he again moved Resolutions, stating "that the Pension List amounted to £. 101,000, exclusive of military Pensions; that the increase of Pensions, civil and military, since February 1784, had been £. 29,000, and that many of these Pensions had been granted to Members of Parliament during the pleasure of the Crown." This Resolution was, however, lost.

The House are aware that the policy of the Irish Government was altogether changed in the year 1793. Measures of a large and comprehensive nature, which, till that period, had been vehemently opposed, were then introduced and recommended on the authority of the Lord Lieutenant. Among these was a Bill to limit the amount of Pensions, to grant a Civil List, and to increase the responsibility of the Board of Treasury. Such were the declared objects of the 33 Geo. III., c. 34. To this Act Your Committee feel it to be their duty to call the particular attention of The House. This Act carried into effect a surrender of the hereditary revenues for the life of the Sovereign, and granted a sum of £. 145,000 for the charges of the Civil List, exclusive of all Pensions. It proceeded to enact that until the Pension List should be reduced, under the provisions of the Statute, to £. 80,000, there should be issued out of the Consolidated Fund such an annual sum, not exceeding £. 124,000, as should be equal to the whole amount of Civil List Pensions. It provided, that as soon as the Pension List should be reduced to £. 80,000, the Civil List of £. 145,000 should be augmented to £. 225,000 for the payment of the Pensions granted to that amount. For the purpose of reducing the amount of Pensions, the Crown was restrained from granting Pensions in any one year, from and after the 25th March 1794, exceeding £. 1,200, until the whole Pension List should be reduced to £. 80,000. A singular and important enactment follows, excepting from the limitations of the Act, any grants held during the pleasure of the Crown converted into grants for life to the same parties and to the same amount. But whether from accident or design no restraint was imposed upon the Crown analogous to the restraints contained in the English statute of Anne.

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The Act passed ; and, inasmuch as it contained a surrender of the hereditary Revenues, the possession of which had enabled the Crown for several years together to dispense with the holding of Parliaments, as it contained the principle of appropriating public money by Parliamentary authority, and as it limited the amount of Pensions, it cannot but be considered to have made a most important improvement in the constitution of Ireland.

As well before as after the passing of this Act, it was the custom to grant Pensions for life, in reversion and during pleasure. The instruments making those grants were very different in their nature and character. Grants during pleasure were made simply by a King's Letter, directing that a particular Pension should be granted. Grants for life were made by patent, under the great seal, enrolled in Chancery. For those patents heavy fees and stamp-duties were payable. Pensions by King's Letters were considered to expire with the life of the Sovereign, and were renewed by the successor. Grants by patent for life were dealt with at the Exchequer as binding the successor, and the payment of the Pensions was continued without any re-grant whatever. These Pensions for life were " charged upon all and every and any of the revenues of us, our heirs and successors, in Ireland ;" and it was further ordered, " that the Pensions should be inserted upon all future establishments for the civil expenses of Ireland."

At the period of this enactment, the Pensions amounted to £.124,000, and the amount was not reduced to £.80,000 till 1813.

On the accession of his late Majesty King George IV. the limitation of the Irish Pension List, fixed, as the House will perceive, at £.80,000, was further reduced to £.50,000 ; no grants exceeding £.1,200 being permitted to be made in any one year, or to any one person, until the Pension List was so reduced ; Pensions to the Royal Family, or on Address of Parliament, being alone excepted from these regulations. In this position was the Irish Pension List placed at the accession of King William IV.

1 Geo. IV. c. 1. s. 10.

#### SCOTCH PENSIONS.

The powers of the Crown in respect to the Scottish Pension List prior to the year 1810 appear to have been left without any check, other than the amount of the revenues, and the claims and burdens upon them. The restraining statute of the 1 Anne (as has been stated already) having been passed prior to the Act of Union, did not affect Scotland ; Pensions were accordingly granted for life or for lives, in possession or in reversion, without restriction in amount or in the duration of the grant. By the 50th George III. it was provided, that no amount greater than £.800 should be granted in any one year, and that, until the total annual amount was reduced to £.25,000, no larger Pension than £.300 should be granted to any person, except to a member of the Royal Family, or except on an Address from either House of Parliament. At this period the Civil List Pensions of Scotland amounted to £.39,379.

On the accession of his Majesty King George IV. it was made a part of the Civil List arrangements that all surplus of the Hereditary Revenues of Scotland, after defraying the charges incident to that Revenue, should be carried to and made part of the Consolidated Fund.

1 Geo. IV. c. 1. s. 9.

#### PENSIONS CHARGED ON THE 4½ PER CENT. DUTIES.

Over the 4½ per cent. Duties the Crown exercised a right of full dominion. Till the year 1830 these revenues had not formed any part of the Civil List arrangements, but had continued vested in the Crown. When surrendered by William IV. it was only the Sovereign's interest in these duties which was brought under the control of Parliament, and the Pensions previously granted continued payable. No new grants have been made subsequent to the year 1826, and the original charges are in progress towards ultimate extinction. Of these Pensions, one is in perpetuity, granted to the Earl of Kinnoul by King Charles II., others are for life, and others during pleasure ; but all have been considered by Your Committee, have been embraced in their investigations, and will be found included in the Schedules annexed to this Report. In the year 1826 an Act was passed which imposed certain charges on these duties for the Ecclesiastical establishments of the West Indies.

## REPORT FROM SELECT COMMITTEE

Your Committee have thus detailed to The House the various alterations which have taken place in the Pension Lists of England, Ireland and Scotland, to the period of the accession of his late Majesty. At that period, papers were laid on the Table of the House of Commons, setting forth the conditions on which the Civil List arrangements for the new reign were proposed to be made. From those papers it appears that it was intended to preserve the three distinct Pension Lists for England, Scotland and Ireland, and to fix the amount of Pensions according to the following scale:—

England	- - £.74,200, net,	being equal to £.95,000 under the 22 Geo. 3, c. 82.
Scotland	- - £.31,252.	
Ireland	- - £.53,921.	

These arrangements were not sanctioned by Parliament, but in consequence of the change of Government which took place in November 1830, a Select Committee was appointed to consider the future Civil List necessary to be provided for the honourable support of the Crown. The following extract from the Report of the Select Committee, contains these recommendations on the subject of the Pension List:—

“The Committee next proceeded to the consideration of the Fifth Class, that of the Pensions. In taking this subject under their consideration, they could not conceal from themselves its importance and difficulty. They feel that the impression made upon the public mind by the lists of the names of persons in the receipt of these Pensions, has been very unfavourable. They are aware that certain names upon these Lists have been selected as objects of peculiar animadversion; and they therefore have felt it their duty to explain to The House fully the case as it appears to them. Up to the time when the Act of 22 Geo. III. c. 82, commonly called Mr. Burke's Act, was passed, Pensions of this nature were granted without any limit and without any control. In that Act it was provided, that the amount granted on the English Civil List should be reduced gradually to £.95,000, by no larger a sum than £.600 a year being granted in Pensions not exceeding £.300 each in any one year, till such reduction was effected. In Scotland, the same principle was applied by the 50th of Geo. III. c. 3; and the amount of the Pensions was to be reduced to £.25,000, no more than £.800 to be granted in any one year till such reduction was effected. In Ireland, the same principle was not applied till 1793, when by the 33d of Geo. III. c. 34, in the Irish Statutes, the Pensions on the Civil List in Ireland were limited to £.80,000, £.1,200 only being allowed to be granted till such reduction was effected; and again they were further limited by the 1st Geo. IV. c. 1, to £.50,000. Thus making at the close of the late King's reign, for the whole United Kingdom, the sum of £.170,000, divided into three Lists, as the sum to which the Pensions were ultimately to be reduced.

“The House must recollect that the principle on which the sum is allotted by Parliament for the purpose of the Civil List, is as a payment for the personal advantage of the Sovereign, and for the support of the dignity of the Crown, in lieu of the Hereditary Revenue which at the commencement of each reign the Sovereign sacrifices for the benefit of the Public. Some provision, therefore, ought in all cases to be made for such payments as it might be presumed that the Sovereign would be desirous of making, if he had remained in possession of his Hereditary Revenue. That one class of such payments would be Pensions to those of his subjects whom he wished to favour, cannot be doubted; and as long as such provision is moderate, and suited to the circumstances of the Country, no reasonable objection can be made to it. The Sovereign, however, has only a life-interest in the Hereditary Revenues of the Crown, as now regulated by different Acts of Parliament, and therefore no Pension charged upon the Hereditary Revenue as now regulated by him could legally be due beyond the period of the demise of the Crown. At the same time it would be a harsh measure to overlook on this present occasion that which has been the uniform usage on all former settlements of the Civil List. Pensions on the Civil List have always hitherto been considered to be granted for life, and in fact no instance has occurred wherein a Pension on the Civil List granted by one Sovereign has been discontinued on the accession of

of his successor. It is more than probable therefore that parties relying on an adherence to an invariable custom, have made family settlements and pecuniary arrangements of various kinds, with all of which his Majesty must necessarily interfere, should the continuance of these Pensions, for the first time, on his accession to the Throne, be refused. Adverting to all the circumstances of the case, considering that no material relief to the finances of the Country could be derived from the most rigid measures of retrenchment applied to the Pension List; that in many cases severe distress, in some actual injustice, would arise to individuals from the general discontinuance of Pensions; that such discontinuance on the occasion of his Majesty's accession would be a departure from an usage invariably observed on the accession of his Majesty's predecessors, Your Committee do not think it advisable to withdraw from the Crown those funds which may enable the Crown, if it shall so think fit, to continue the Pensions on the Civil List of his late Majesty. These observations, however, do not apply to the grant of future Pensions on the Civil List; if granted with a distinct notice to the individuals receiving them that they are not only legally terminable on the demise of the Sovereign by whom they have been granted, but that they are liable to be revised or discontinued on the settlement of a new Civil List; there can be no obstacle to the reconsideration at that time of the then existing Pension List.

"The Committee, therefore, proceeded to consider the three Lists of Pensions under this view of the subject. They consider that the present amount of Pensions on these three Lists is much larger than it ought to be; and they recommend that it should be reduced from the gross sum of £.170,000, or the net sum of £.145,750, at which it stood at the demise of his late Majesty, to £.75,000 net.

"The mode in which they propose that this reduction should be made is, by consolidating the three Lists in one alphabetical List, and that the Pensions to the amount of £.75,000 on the first part of this alphabetical List shall be placed on the Civil List, and the remainder charged on the Consolidated Fund.

"The Public will therefore receive the whole benefit of the Pensions which fall in from that part of them which are charged on the Consolidated Fund; while his Majesty will have the immediate advantage of the vacancies which occur in those payable from the Civil List. This sum of £.75,000 will hereafter be the only sum applicable to Pensions charged upon the Civil List for the whole of the United Kingdom."

These recommendations were carried into effect by the 1st Will. IV. c. 25, by which the Pension Lists of England, Ireland and Scotland were consolidated, and a provision was made for their reduction, on the expiration of existing interests, from an amount of £.145,750 net to a future maximum sum of £.75,000. By the same Act of Parliament the interest of the Sovereign in the 4½ per cent. Duties, on which there had previously existed an unrestricted power of charging Pensions, was surrendered to the Public for the life of his late Majesty. The hereditary Revenues of Scotland made also a part of this surrender and arrangement.

No further measure was adopted in respect to the Pension List until February 1834, when Resolutions were moved by Lord Althorp, then Chancellor of the Exchequer, and agreed to by the House of Commons. After reciting the gradual diminution which had taken place in the amount of Pensions, The House resolved, "That it is the bounden duty of the responsible advisers of the Crown to recommend to His Majesty for grants of Pensions on the Civil List such persons only as have just claims on the Royal beneficence, or who by their personal services to the Crown, by the performance of duties to the public, or by their useful discoveries in science and attainments in literature and the arts, have merited the gracious consideration of their Sovereign and the gratitude of their country." In this Resolution the original principles contained in Mr.

## REPORT FROM SELECT COMMITTEE

Burke's Act (22 Geo. 3, c. 82, s. 19.) were more distinctly stated, and the objects for which Civil List Pensions were intended were defined with greater precision and exactness.

The consequences of the Civil List arrangements of the late reign have been not only the application of a more correct principle in granting Pensions, but the reduction in the amount of charge for Pensions defrayed by the public. The Pensions which have fallen in, and by which the public have profited since the accession of his late Majesty, are as follows :

Pensions, Civil List	- - -	£. 35,450
Pensions, 4½ per cent. Duties	- - -	<u>7,140</u>
	TOTAL - - -	<u>£. 42,590</u>

Report on Civil  
List, 1837.  
Appendix, No. 1.  
p. 16.

On the accession of Her present Majesty the precedent of 1830 was followed ; a Committee of Inquiry was appointed, and the subject of Pensions was again considered. It appears from the Minutes of that Committee that it was proposed, that a Pension List of £.75,000 should be included in the Civil List to be provided for Her Majesty.

This proposition was not adopted by the Committee, but in substitution for it the following recommendation was made to The House : " That in place of granting a sum of £. 75,000 for Civil List Pensions, Her Majesty should be empowered to grant in every year new Pensions on the Civil List to the amount of £.1,200 ; these Pensions to be granted in strict conformity with the Resolutions of the House of Commons of the 18th February 1834." These views were adopted by The House, and were carried into effect by the 1 Vict. c.

Your Committee have before them the following calculations made by Mr. Finlayson, which exhibit the probable amount of saving which will be derived from the new system :—

Assuming the ratio of decrease which has taken place during the last three years to continue, and the ages of the persons to whom Her present Majesty may be advised to grant new pensions to remain, as may be inferred from the former grants, the former results will be exhibited.

June.	Old Pension.	New Pension.	Total	Decrease.
				£.
1839	- 132,632	2,384	135,016	4,935
1844	- 97,540	8,077	105,617	34,334
1849	- 59,258	13,398	72,656	67,295
1854	- 30,792	18,255	49,047	90,904
1858	- 13,161	21,716	34,877	104,874

On a review of the preceding details, The House will be enabled to come to the following satisfactory results :—

1. That the charge of Pensions has been reduced in the following proportion :—

	England.	Ireland.	Scotland.	4½ per Cents.	TOTAL.
	£.	£.	£.	£.	£.
1782	- 85,000	80,000	133,00	16,700	195,000
1820	- 74,200	67,300	37,100	34,300	212,900
1830	- 74,200	53,900	33,200	24,100	185,400
1838	- - - - -	- - -	No separate List	- - -	140,900

According

According to Mr. Finlayson's calculation, the charge in 1858 will not exceed £34,877, being £160,123 less than the amount of the Pension List in 1782, £178,023 less than the Pension List in 1820, £130,523 less than the Pension List in 1830, and £106,023 less than the Pension List in 1838.

2. That the principles upon which Civil List Pensions shall hereafter be granted are now, for the first time, distinctly stated and adopted by Parliament, and that complete and immediate responsibility is ensured by requiring the List of Pensions granted to be laid annually before the House of Commons. This Your Committee consider at the least as important to the public as the pecuniary saving.

On the 8th day of December 1837 Your Committee were appointed under the following order of reference, by which they have carefully governed all their proceedings:—

*"Resolved,* That a Select Committee be appointed to inquire how far Pensions granted in virtue of 1 Will. IV., c. 24, and charged on the Civil List; and in virtue of 2 & 3 Will. IV., c. 116, and charged on the Consolidated Fund, ought to be continued, having due regard to the just claims of the parties, and to economy in the public expenditure."

In carrying on their inquiries Your Committee have had under consideration every Pension granted by the Crown, whether chargeable on the Civil Lists of England, Scotland or Ireland, or the 4½ per cent. Duties; and, with the exception of some few cases where from the absence of the parties from England they have not obtained the information required, they have been enabled to obtain explanations on the subject of each separate Pension.

Different courses might have been contemplated by Your Committee; either to consider such cases only as were challenged by some distinct objection, or to call for evidence in support of each particular grant. The one would have been unsatisfactory to The House and to the Country, as it might have raised the supposition that Pensions objectionable in themselves were allowed to pass without question or inquiry; nor would such course have been, in the judgment of Your Committee, consistent with the duties entrusted to them: the other would have caused an almost interminable inquiry, and might have acted with severity and hardship in many cases. The course followed by Your Committee was one which appeared to them to avoid these two objections. It was as follows.

In order to facilitate the proceedings of Your Committee, a circular letter was addressed by the Chancellor of the Exchequer to the persons entitled to Civil List Pensions, of which Your Committee insert a copy:—

Downing-street, 24 November.

As it will be my duty in the early part of the present Session to move for a Committee to inquire "how far the existing Pensions ought to be continued, having due regard to the just claims of the parties and to economy in the public expenditure," I take the liberty of addressing you on the subject.

As statements and inquiries may be made in that Committee with respect to the original grant of such Pensions, or the circumstances now attending them, to which the parties interested may have the means of giving a satisfactory reply, and as much of misapprehension on these subjects has prevailed, which a reference to the facts of the case may remove, I am most anxious to express to the parties interested, not only my willingness, but my anxiety, to be favoured by them (if they shall so think fit) with any information which they shall feel it desirable to submit to the Committee through me. I make this communication with the view of saving the parties from any trouble, anxiety or inconvenience which it may be in my power to avert.

When The House of Commons undertook an inquiry into the existing sinecures, I wrote a letter, to the same effect with the present, to the several parties interested, and the facts and explanations which were then given me enabled me to remove misconceptions which had operated to the prejudice of some of the holders of the offices under examination. Should my present communication lead to the same result, it will be gratifying to me.

In respect to the extent or nature of the information which may be sought for by the Committee, it would be extremely presumptuous on my part to express an opinion, but I take the liberty of adverting to the declaratory words of Mr. Burke's Act (22 Geo. III., c. 82), in which it is expressly stated, "that it is no disparagement for any persons to be relieved by the Royal bounty in their distress, or for their desert, but, on the contrary, it is honourable on just cause to be thought worthy of such reward." In all cases (and I am well aware that such cases are numerous) when the origin of these grants can be traced to the public service of the parties, their families or relations, or to other causes creating a just claim on the bounty of the Crown, it will be most desirable that these cases should be stated, in order to afford the most conclusive and satisfactory information to the Committee.

## REPORT FROM SELECT COMMITTEE

I must again repeat, that the object of this letter is to afford the parties interested the greatest facility in making any statement which they may be desirous of submitting, in reply to objections either to the *grant* or the *continuance* of their Pensions, and that in so doing, I am far from expressing any opinion with respect to the course which the proposed Committee are likely to pursue.

I have not felt it right to make this an official application, and any reply with which I may be favoured shall (if the parties so desire it) be considered in the light of a *Private Letter*.

I have the honour to be,  
Your very obedient  
and very humble Servant,  
*T. Spring Rice.*

The answers to these inquiries, with the exception of those few which were strictly confidential, were communicated to Your Committee, and further inquiries were made where such investigations appeared necessary; in every case, whatever collateral information could be furnished by the public departments of the Government was immediately procured. Your Committee feel it to be no more than their duty to state, that but for these preliminary inquiries and arrangements it would have been extremely difficult for them to have executed the duties entrusted to them by The House; at the same time they take this opportunity of suggesting, that if the original warrants, patents or grants had set forth the claims of the several Pensioners, and the reasons which induced the recommendation of the Pensions, a condition easily performed where well-merited Pensions only are recommended to the Crown, their difficulties would have been infinitely lessened, if not entirely obviated.

When The House consider the periods at which several of these Pensions were granted, and connect with those dates the state of the law and of the practice which has been already explained in the earlier pages of this Report, they will not be surprised to find that a much more lax and careless system was applied in former than in later times. The operation of the Superannuation Act, the grant of retired allowances, the Naval and Military Pensions granted for good services, the Pensions granted by the 57 Geo. 3, c. 65, for persons who have occupied high political offices, and the Pensions for diplomatic and consular services, have to a great extent superseded one of the original purposes of the Pension List. These Acts have also substituted a strictly-defined and regulated system of reward for a system which depended on the arbitrary selection of the Crown or the recommendation of the existing Government, exposed to the bias of party or personal considerations. Your Committee have also found, that in proportion as grants were local in their nature, responsibility was less felt, and the facilities of abuse were augmented. Thus, the distribution of Pensions in Scotland and in Ireland was made more carelessly than in England. The same principle applied in a certain degree to the grants on the 4½ per cent. Duties. The Pensions for life, by patent, in the Irish List are similar in principle. With respect to these, Your Committee have had before them the opinions of the Attorney and Solicitor General for England, and the Attorney General for Ireland, which affirm that such grants were legal and binding, and consequently ought not to be disturbed. Where grants of this description have been legally made, and are legally operative, Your Committee consider that the economical benefit to be derived from the reduction of a few questionable Pensions would be but an imperfect compensation for the evil effects of disturbing those important principles on which are founded the permanence and security of all property.

Your Committee are anxious to impress upon The House, that in performing the duty assigned to them, they have constantly borne in mind that the question referred to them was the continuance or discontinuance of Pensions already granted. They have felt that this question required to be dealt with on very different principles from those which would have been applicable to these grants, if proposed for the first time; because Your Committee felt bound to consider not only the original merits and claims of the several parties, but also the expectations which they might have entertained of the continuance of the bounty of the Crown, and the distress in which they might be involved by the withdrawal of that which constituted in very many cases the whole or the greater part of their means. Acting on these principles, Your Committee have in many cases felt themselves justified in giving considerable weight to family settlements, whether by will or otherwise, in which Pensions have been treated

as

as a fund for permanent arrangements, or have been mortgaged or transferred for a valuable consideration.

Nor has the age of the Pensioners been overlooked, Your Committee having, in very many instances, considered it more advisable that the public should await the natural termination of the grant by time, than anticipate such an event where the person is far advanced in life. In conducting their inquiries upon these principles, Your Committee consider they are fulfilling the intentions of The House, as expressed by the order of reference, which directed them to have "due regard to the just claims of the several parties." Your Committee deem it expedient to make this explanatory statement in order not only to show the grounds on which their recommendations rest, but to guard themselves against the inference that they have given their sanction to the principles on which many of the Pensions were granted which remain undisturbed. On the contrary, Your Committee explicitly disclose, that although they have not felt justified in recommending the discontinuance of some objectionable grants, they distinctly express their satisfaction that no Pension can be granted hereafter but in accordance with the Resolution of the House of Commons in 1834, and the Civil List Act of the present reign.

At the commencement of their inquiries, it appeared to Your Committee that the Pension List might be generally considered under two respective heads: 1. Pensions granted exclusively for service; 2. Pensions granted as marks of Royal bounty for the relief of distress. With respect to the first, after much consideration, they determined that an inquiry into the private and pecuniary circumstances of the several parties was not requisite, as it appeared to them that if real and meritorious services have been rendered, the wealth or the poverty of the parties does not vary the obligations which they have conferred on the Crown or on the public; but where the origin of the grant was traceable to the necessities of the Pensioners, it did not appear either harsh or unjust, but, on the contrary, that it was the strict duty of the Committee to inquire whether the causes which originally produced and justified the grant, still continued to exist.

Your Committee found, in the progress of their investigations, that a variety of mixed cases presented themselves, in which the services of the Pensioner or of some immediate relative, combined with narrow and limited means, formed the justification of the original grant. To these cases Your Committee have applied much labour and attention, and have endeavoured to decide upon each in a liberal spirit, but not without the most careful examination into the peculiar grounds upon which each separate grant could either be objected to or defended.

Your Committee subjoin to this Report a list of all the existing Pensions referred to them by The House. They have classed them under the following heads, where they are connected with particular branches of the public service, or capable of being traced to an origin admitting of such arrangement:—

1. Army}
2. Navy } included in one class.
3. Diplomatic.
4. Judicial and Legal.
5. Political.
6. Civil and Revenue.
7. Colonial.
8. Services to Royal Family and in Household.
9. Rewards for Literary and Scientific attainments.
10. Royal Bounty and Charity.
11. Compensation for Forfeited Estates.
12. Miscellaneous, not included as above.

## REPORT FROM SELECT COMMITTEE

Your Committee trust that the explanations given in the Appendix will appear to The House clear and satisfactory, and they are enabled to state with confidence that no efforts on their part have been omitted which could ensure its accuracy and precision. It is formed from the information laid before them, excluding that portion which was confidentially communicated, and which, as it related to the private circumstances of the several parties, Your Committee feel assured The House would neither expect nor desire to see made the matter of public disclosure.

Your Committee have the satisfaction to state to The House, that the following Pensions have been resigned, and consequently cease to be any charge upon the public :—

Aston, Lord.  
 Auckland, Lord (ceased to be received on Lord Auckland's appointment to the Board of Trade, in 1830).  
 Berens, Lady Catherine.  
 Bouverie, Lady Frances.  
 Bradshaw, Augustus.  
 Bromley, Lady Louisa.  
 Caermarthen, Marchioness of.  
 Cranstoun, Lord.  
 Dalrymple, Elizabeth.  
 Drummond, Thomas (surrendered whilst Under Secretary for Ireland).  
 Elphinstone, Lord (surrendered on appointment to Madras).  
 Grant, Catherine.  
 —— Anne.  
 —— Harriet.  
 Gray, Lady.  
 Hunter, Sir Richard.  
 Hay, Lady Jane.  
 Lushington, Honourable Ann.  
 Lenox, Lady Sophia.  
 Parnell, Lady Caroline.  
 Strangford, Viscount.

In cases where Pensions were originally granted, either specifically or mainly in consequence of the narrow circumstances of the parties, and such circumstances remain unaltered, Your Committee have found some instances in which the near collateral relations of the Pensioners are persons of wealth and station, though not within those degrees which create a legal obligation for support. As Your Committee have no means of calling on such relations to provide for the Pensioners if these grants should be withheld, Your Committee abstain from recommending a discontinuance of such Pension. In some of those cases the relations have taken on themselves the payments of the sums hitherto received from the State, but this is not without exception; and Your Committee feel it their duty to express their decided opinion, that where close relationship exists, and where means of support may be afforded, it is to family connexions, and not to the public purse, that application for relief should be made.

Your Committee have placed in a separate class certain Pensions which, in their judgment, should for the present be suspended, and should only be re-granted on the responsibility of the Government, in case the circumstances of the parties require it, when the particular contingency arises which may render such Pension hereafter necessary. The majority of these cases are those of ladies, who, during the lifetime of their husbands, do not stand in need of these Pensions, but to whom they may become necessary as a species of settlement or jointure in the event of their surviving their husbands.

Another class forms the converse of the preceding one. It comprehends many to whom Your Committee consider that the existing Pensions should be continued for the present; but where the term of the grant should be limited to another and generally a shorter period than that which was originally fixed.

From

From a very few of the Pensioners, as Your Committee have already stated, they have not obtained an answer to their inquiries. This has arisen, in all cases but one, in consequence of the absence of the parties from England. Your Committee are of opinion, that in respect to these few instances the Government on its responsibility may be empowered to re-grant these Pensions, if on a full examination it is found that the parties are entitled to claim them on the principles laid down in this Report, every such re-grant being laid on the Table of the House of Commons, with an explanation of the principles on which it has been advised.

The last class on the list comprises those Pensions which in the judgment of the Committee ought not to be continued. In submitting this recommendation, Your Committee cannot but feel considerable reluctance, because they are well aware that in consequence of the continued renewal of Civil List Pensions from reign to reign, and even after a change of dynasty, an expectation was created in the minds of parties that these Pensions should not be disturbed. But, giving full weight to these objections, Your Committee, however reluctant they may feel, cannot shrink from the performance of the duty imposed upon them by The House. They are, however, of opinion, that provision should be made for the payment of the amount already due to all those parties whose Pensions are proposed to be suspended or wholly discontinued.

Your Committee cannot close this Report without calling the attention of The House to the progressive advancement of sound constitutional principles in reference to this subject. In the early part of the reign of George III. the power of the Crown in granting Pensions was wholly unrestrained; in England no limits were imposed beyond the discretion of the Minister and the necessities of the Civil List; in Ireland the Sovereign possessed and exercised an unlimited right, both as to the amount and as to the duration of the grant, extending even to the injury of succeeding Sovereigns; in Scotland, until 1810, an unrestricted power existed of charging the hereditary Revenue; no provision was made to afford adequate security in this respect through the responsibility of the Ministers, or to allow public opinion to pronounce a judgment upon the advice given to the Sovereign. When these circumstances are considered, it is rather a matter of surprise to Your Committee that cases of abuse have not occurred much more frequently than has been the case. At the present time, not only is the amount of Pensions limited, but the principles on which Pensions can hereafter be granted are strictly defined by law, and an immediate responsibility to Parliament is provided for. These are great and important improvements; but at the same time Your Committee feel that some further recommendations are required from them, in order to give additional security against future abuse.

1. They recommend, that in the case of all future Civil List Pensions, the warrant or other instrument of appointment should set forth distinctly the reason and motive of the grant. This will be a check against inconsiderate recommendations for Pensions, and will furnish to Parliament hereafter that ready information which Your Committee have found so much difficulty in obtaining.

2. They recommend, that where Pensions are granted for services to persons other than the individual by whom the services were rendered, care should be taken, if these Pensions are granted for younger lives, that the amount of Pension should be reduced so as to prevent any undue increase of charge to the public. Indeed, excepting under very peculiar circumstances, it is the opinion of Your Committee that such grants should be avoided, and all the facts connected with them considered with the greatest care.

3. They recommend, that in cases where Pensions are granted as acts of Royal bounty for the relief of distress, it should be distinctly provided that such grants should cease when the circumstances of the parties no longer require their continuance.

This principle has already been acted on in various cases, even where a Pension had been granted for public services, highly to the credit of the

parties concerned, among whom the names of Viscount Sidmouth, the late Lord Farnborough, Mr. Moore, Mr. Marsden, Mr. Charles Bathurst are honourably distinguished.

The House will also bear in mind that Civil List Pensions have been surrendered on the same grounds, and that for several years the Pensions granted to the Duchess of Newcastle, Lord Reay, Mrs. Percy Smith, and Lady Seymour have ceased by the voluntary act of the parties interested.

4. They recommend, that under no circumstances should the mere combination of poverty with the hereditary rank of the Peerage be considered as a justification of a grant of Pension. It is far from being the wish of Your Committee to express an opinion that a Peer should not have the same inducements to exertion, and should not share in the same rewards for services rendered, which are enjoyed by other classes of Her Majesty's subjects; but Your Committee consider, no less for the honour of the Peerage itself, than for the interests of the public service, that the system of granting Civil List Pensions to Members of the Peerage, merely because they are reduced in their circumstances, should be altogether discontinued.

5. In order to avoid any possible doubt or misconception hereafter, Your Committee recommend, that enactments with respect to the Irish and Scotch revenue, analogous to those contained in the English statute of 1 Anne, should be made part of the Bill which provides for the re-grant of the Civil List Pensions.

6. They recommend, that all Pensions to be granted should be held liable to deduction or suspension in the event of the parties being appointed to office in the public service, thus rendering the continuance of the Pensions unnecessary, either for a time or permanently. This course has been followed in some cases of grants of Pensions submitted to Your Committee, and might be advantageously extended further.

Your Committee have now concluded their important and laborious duties, and have only to recommend that a provision be made on the Consolidated Fund for the Pensions charged on the Civil List, transferred to the Consolidated Fund, or charged on the 4½ per cent. Duties, agreeably to the tenor of this Report; and in order that Parliament may be satisfied that these principles are strictly carried into effect, Your Committee recommend, that a return of all Pensions which Her Majesty may be pleased to re-grant, shall be laid on the Table of the House within ten days of the opening of the next Session.

*24 July 1838.*

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PROCEEDINGS

## PROCEEDINGS OF THE COMMITTEE.

*Martis, 13° die Februarii, 1838.*

PRESENT :

Sir E. Wilmot.	Mr. Plumptre.
Mr. G. Evans.	Mr. Chancellor of the Exchequer.
Mr. Sanford.	Mr. Phillpotts.
Mr. Grote.	Mr. Hume.
Mr. Pendarves.	

Mr. Sanford called to the Chair.

*Resolved*,—That the Committee do meet on Tuesdays and Thursdays, at half-past Twelve.

Committee deliberate on the course of proceeding.

[Adjourned to Thursday, at half-past Twelve.]

*Jovis, 15° die Februarii, 1838.*

PRESENT :

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Hume.
Mr. Phillpotts.	Mr. Alderman Copeland.
Mr. G. Evans.	Mr. Strutt.
Mr. Pendarves.	Mr. V. Stuart.
Mr. Plumptre.	Mr. Handley.
Mr. Goddard.	Lord Ebrington.
Mr. Rickford.	

Committee deliberate on the course of proceeding.

*Resolved*,—That for the purpose of facilitating the business of the Committee, the Pensions shall be divided into Two Classes; viz.

I. Pensions of the continuance of which no doubt exists at present.

II. Pensions which may be inquired into at a future time.

*Motion*,—“That when a pension has been granted exclusively as a reward for services, it does not appear expedient to inquire into the private circumstances of the parties now enjoying it.”—(Mr. Villiers Stuart.)

Amendment proposed :

To insert before the word “services” the word “public.”—(Mr. Phillpotts.)

Question proposed :

That the word “public” be there inserted.

AYES.

Evans, Mr. George.  
Hume, Mr.  
Phillpotts, Mr

NOES.

Chancellor of the Exchequer, Mr.  
Copeland, Mr. Alderman.  
Ebrington, Lord.  
Goddard, Mr.  
Handley, Mr.  
Pendarves, Mr.  
Plumptre, Mr.  
Strutt, Mr.  
Stuart, Mr. V.

AYES - - - - - 3  
NOES - - - - - 9 } Negatived.

Original question put and agreed to.

**Pension to Dame Airey :—****Motion made :**

That this pension be placed in Class II.—(Mr. Hume.)

**Amendment proposed and question put :**

That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

**AYES.**

Chancellor of the Exchequer, Mr.  
 Ebrington, Lord.  
 Evans, Mr. George.  
 Pendarves, Mr.  
 Plumptre, Mr.  
 Strutt, Mr.  
 Stuart, Mr. Villiers.

**NOES.**

Goddard, Mr.  
 Handley, Mr.  
 Hume, Mr.  
 Phillpotts, Mr.

**AYES - - - - - 7}**  
**NOES - - - - - 4}** Agreed to, placed in Class I.

**Motion made and question proposed :**

“That all correspondence with parties for the purpose of obtaining further information shall henceforth emanate from the Chairman of the Committee.”—(Mr. Handley.)

**AYES.**

Handley, Mr.  
 Hume, Mr.  
 Phillpotts, Mr.  
 Rickford, Mr.

**NOES.**

Chancellor of the Exchequer, Mr.  
 Evans, Mr. George.  
 Goddard, Mr.  
 Pendarves, Mr.  
 Plumptre, Mr.  
 Strutt, Mr.  
 Stuart, Mr. Villiers.

**AYES - - - - - 4}**  
**NOES - - - - - 7}** Negated.

**Pension to Lord Aylmer and H. F. W. Aylmer :—****Motion made and question proposed,—That this pension be placed in Class II.—**(Mr. Hume.)**AYES.**

Evans, Mr. George.  
 Goddard, Mr.  
 Handley, Mr.  
 Hume, Mr.  
 Phillpotts, Mr.  
 Rickford, Mr.  
 Strutt, Mr.  
 Stuart, Mr. Villiers.

**NOES.**

Chancellor of the Exchequer, Mr.  
 Ebrington, Lord.  
 Pendarves, Mr.  
 Plumptre, Mr.

**AYES - - - - - 8}**  
**NOES - - - - - 4}** Agreed to, placed in Class II.

**Committee proceeded in the classification.**

[Adjourned to Tuesday, half-past Twelve.]

*Martis, 20° die Februarii, 1838.***PRESENT:****Mr. SANFORD,** in the Chair.

Mr. Chancellor of the Exchequer.  
 Mr. George Evans.  
 Mr. Macleod.  
 Mr. Grote.  
 Mr. Alderman Copeland.  
 Mr. Pendarves.  
 Lord Ebrington.  
 Lord J. Russell.

Mr. Plumptre.  
 Mr. Strutt.  
 Mr. Goddard.  
 Mr. Phillpotts.  
 Mr. V. Stuart.  
 Mr. Hume.  
 Mr. Handley.

**Committee proceeded in the classification.****On**

On the pension of Charlotte Bathurst (600*l.*), with reversion to her Four Daughters :  
Motion made and proposed,—That this pension be placed in Class II.—(Mr. Grote.)

AYES.	NOES.
Evans, Mr. George.	Chancellor of the Exchequer, Mr.
Grote, Mr.	Ebrington, Lord.
Handley, Mr.	Goddard, Mr.
Hume, Mr.	Pendarves, Mr.
Phillpotts, Mr.	Plumptre, Mr.
Strutt, Mr.	Russell, Lord J.
Stuart, Mr. V.	
AYES - - - - - 7	Placed in Class II.
Noes - - - - - 6	

On the pension of Arabella Batley :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Grote, Mr.
Copeland, Mr. Alderman.	Handley, Mr.
Ebrington, Lord.	Hume, Mr.
Evans, Mr. George.	Phillpotts, Mr.
Goddard, Mr.	
Pendarves, Mr.	
Plumptre, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	
AYES - - - - - 9	Placed in Class I.
Noes - - - - - 4	

On the pension of Lady Catherine Berens :—

Letter from Mr. Berens read, relinquishing the pension.

On the pension of J. and Charlotte S. Biron de Goutant :—

Motion,—That this pension be placed in Class I.—(Mr. Pendarves.)

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Grote, Mr.
Copeland, Mr. Alderman.	Hume, Mr.
Ebrington, Lord.	Phillpotts, Mr.
Evans, Mr. George.	
Goddard, Mr.	
Handley, Mr.	
Pendarves, Mr.	
Plumptre, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	
AYES - - - - - 10	Placed in Class I.
Noes - - - - - 3	

On the pension of Elizabeth Birt, J. F. Ewart and Mary Shaw :—

Motion,—That this pension be placed in Class I.—(Mr. Plumptre.)

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Copeland, Mr. Alderman.
Ebrington, Lord.	Evans, Mr. George.
Goddard, Mr.	Grote, Mr.
Handley, Mr.	Hume, Mr.
Pendarves, Mr.	
Phillpotts, Mr.	
Plumptre, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	
AYES - - - - - 9	Placed in Class I.
Noes - - - - - 4	

Committee proceeded in the classification.

[Adjourned till Thursday, half-past Twelve.]

*Jovis, 22º die Februarii, 1838.*

P R E S E N T :

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. George E.
Mr. Strutt.	Mr. Phillpotts.
Mr. Plumptre.	Mr. Pendarves.
Mr. Grote.	Mr. Hume.
Mr. V. Stuart.	Mr. Rickford.
Mr. Macleod.	Lord Ebrington.
Mr. Alderman Copeland.	Mr. Goddard.

Committee proceeded in the classification.

On the pension of Isabella Blair (now Binning):—

Motion,—That this pension be placed in Class I.—(Mr. Macleod.)

A Y E S .	N O E S .
Chancellor of the Exchequer, Mr.	Evans, Mr. G.
Ebrington, Lord.	Grote, Mr.
Macleod, Mr.	Hume, Mr.
Pendarves, Mr.	Phillpotts, Mr.
Strutt, Mr.	Plumptre, Mr.
Stuart, Mr. V.	Rickford, Mr.

The Chairman decided with the Noes.

A Y E S - - - - - 6 } Placed in Class II.  
N O E S - - - - - 7 }

Motion,—That the reversion to Elizabeth Bowles be placed in Class II.—Agreed to.

On the pension to Charles O. Bowles:—

Motion,—That this pension be placed in Class II.—(Mr. Grote.)

A Y E S .	N O E S .
Evans, Mr. George.	Chancellor of the Exchequer, Mr.
Grote, Mr.	Ebrington, Lord.
Hume, Mr.	Handley, Mr.
Macleod, Mr.	Pendarves, Mr.
	Phillpotts, Mr.
	Strutt, Mr.
	Stuart, Mr. V.

A Y E S - - - - - 4 } Placed in Class I.  
N O E S - - - - - 7 }

On the pension to Lawrence Bradshaw:—

Motion,—That this pension be placed in Class II.—(Mr. Grote.)

A Y E S .	N O E S .
Evans, Mr. George.	Chancellor of the Exchequer, Mr.
Grote, Mr.	Ebrington, Lord.
Handley, Mr.	Macleod, Mr.
Hume, Mr.	Pendarves, Mr.
Phillpotts, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	

A Y E S - - - - - 7 } Placed in Class II.  
N O E S - - - - - 4 }

On the pension to Lady Anna Maria Dawson:—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

A Y E S .	N O E S .
Chancellor of the Exchequer, Mr.	Grote, Mr.
Copeland, Mr. Alderman.	Handley, Mr.
Ebrington, Lord.	Hume, Mr.
Macleod, Mr.	Stuart, Mr. V.
Pendarves, Mr.	
Phillpotts, Mr.	
Strutt, Mr.	

A Y E S - - - - - 7 } Placed in Class I.  
N O E S - - - - - 4 }

On

On the pension to E. T. and E. C. H. Brooksbank :—

**Motion,—That this pension be placed in Class I.—(Mr. Pendarves.)**

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Evans, Mr. George.
Copeland, Mr. Alderman.	Grote, Mr.
Ebrington, Lord.	Hume, Mr.
Goddard, Mr.	Phillpotts, Mr.
Macleod, Mr.	
Pendarves, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	

**AYES - - - - - 8 } Placed in Class I.**  
**NOES - - - - - 4 }**

Committee proceeded in the classification.

[Adjourned till Tuesday, at half-past Twelve.]

*Martis, 27° die Februarii, 1838.*

**PRESENT :**

**Mr. SANFORD, in the Chair.**

Mr. Chancellor of the Exchequer.	Mr. Grote.
Mr. Strutt.	Mr. George Evans.
Mr. Alderman Copeland.	Mr. Macleod.
Mr. V. Stuart.	Mr. Hume.
Mr. Handley.	Mr. Goddard.
Mr. Plumptre.	Mr. Pendarves.
Mr. Hawes.	Mr. Phillpotts.
Mr. Rickford.	Mr. Wm. Evans.

**Motion,—That the pension to Sir Thomas Henry Browne be placed in Class I.—(Mr. Handley.)**

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Copeland, Mr. Alderman.
Ebrington, Lord.	Evans, Mr. George.
Goddard, Mr.	Grote, Mr.
Handley, Mr.	Hawes, Mr.
Pendarves, Mr.	Hume, Mr.
Phillpotts, Mr.	Macleod, Mr.
Plumptre, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	

**AYES - - - - - 9 } Placed in Class I.**  
**NOES - - - - - 6 }**

Committee proceeded in the classification.

[Adjourned till Thursday, at half-past Twelve.]

*Jovis, 1° die Martii, 1838.*

**PRESENT :**

**Mr. SANFORD, in the Chair.**

Mr. Chancellor of the Exchequer.	Mr. G. Evans
Mr. Strutt.	Mr. Grote.
Mr. Hume.	Mr. Phillpotts.
Mr. V. Stuart.	Mr. Macleod.
Mr. Plumptre.	Mr. Pendarves.
Mr. Alderman Copeland.	Lord Ebrington.
Mr. Handley.	Mr. W. Evans.

On the pensions to Caroline Jane and Arabella Margaret Calcraft :—

Motion,—That these pensions be placed in Class I.—(Lord Ebrington.)

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Goddard, Mr.
Copeland, Mr. Alderman.	Grote, Mr.
Ebrington, Lord.	Hume, Mr.
Evans, Mr. George.	
Macleod, Mr.	
Pendarves, Mr.	
Phillpotts, Mr.	
Plumptre, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	
<b>AYES - - - - - 10</b>	<b>NOES - - - - - 3 } Placed in Class I.</b>

On the pension to Mary Frances Campbell :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Evans, Mr. George.
Ebrington, Lord.	Grote, Mr.
Evans, Mr. William.	Handley, Mr.
Goddard, Mr.	Hume, Mr.
Pendarves, Mr.	Macleod, Mr.
Plumptre, Mr.	Phillpotts, Mr.
Strutt, Mr.	
Stuart, Mr. V.	
<b>AYES - - - - - 8</b>	<b>NOES - - - - - 6 } Placed in Class I.</b>

On the pension to Lucretia Ciciaporci :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Evans, Mr. George.
Ebrington, Lord.	Grote, Mr.
Evans, Mr. W.	Handley, Mr.
Goddard, Mr.	Hume, Mr.
Macleod, Mr.	Strutt, Mr.
Pendarves, Mr.	
Stuart, Mr. V.	
<b>AYES - - - - - 7</b>	<b>NOES - - - - - 5 } Placed in Class I.</b>

On the pension to Dowager Lady Clare :—

Motion,—That this pension be placed in Class II.—(Mr. Hume.)

AYES.	NOES.
Evans, Mr. George.	Chancellor of the Exchequer, Mr.
Grote, Mr.	Ebrington, Lord.
Handley, Mr.	Evans, Mr. W.
Hume, Mr.	Goddard, Mr.
Pendarves, Mr.	Macleod, Mr.
	Strutt, Mr.
	Stuart, Mr. V.
<b>AYES - - - - - 5</b>	<b>NOES - - - - - 7 } Placed in Class I.</b>

Committee proceeded in the classification.

[Adjourned till Tuesday, at half-past Twelve.]

*Martis,*

*Martis, 6<sup>o</sup> die Martii, 1838.*

PRESENT :

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. George Evans.
Mr. Strutt.	Mr. Goddard.
Mr. V. Stuart.	Mr. Macleod.
Mr. Handley.	Mr. Plumptre.
Mr. Alderman Copeland.	Mr. Hume.
Mr. William Evans.	Mr. Grote.
Mr. Pendarves.	Mr. Hawes.

Committee proceeded in the classification.

[Adjourned to Thursday, at half-past Twelve.]

*Jovis, 8<sup>o</sup> die Martii, 1838.*

PRESENT :

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Strutt.
Mr. Grote.	Mr. George Evans.
Mr. V. Stuart.	Mr. Macleod.
Mr. Pendarves.	Mr. Plumptre.
Mr. Hawes.	Mr. Hume.
Mr. Handley.	Mr. W. Evans.

Letter from Elizabeth Dalrymple read, resigning her pension.

Committee proceeded in the classification.

[Adjourned till Tuesday, at half-past Twelve.]

*Martis, 13<sup>o</sup> die Martii, 1838.*

PRESENT :

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Grote.
Mr. Strutt.	Mr. George Evans.
Mr. W. Evans.	Mr. V. Stuart.
Mr. Hume.	Mr. Handley.
Mr. Macleod.	Lord Ebrington.
Mr. Pendarves.	Mr. Alderman Copeland.
Lord John Russell.	

Committee proceeded in the classification.

On the pension to William, James, F. and John B. Dundas :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

AYES.

Chancellor of the Exchequer, Mr.  
Copeland, Mr. Alderman.  
Ebrington, Lord.  
Evans, Mr. George.  
Evans, Mr. W.  
Handley, Mr.  
Hawes, Mr.  
Macleod, Mr.  
Pendarves, Mr.  
Strutt, Mr.  
Stuart, Mr. V.

NOES.

Grote, Mr.  
Hume, Mr.

AYES : : : : : 11 }  
NOES : : : : : 2 } Placed in Class I.

Committee proceeded in the classification.

[Adjourned to Thursday, at half-past Twelve.]

*Jovis, 15° die Martii, 1838.*

PRESENT :

Mr. SANFORD serving on an Election Committee.

Mr. Pendarves called to the Chair, *pro temp.*

Mr. Grote.	Mr. Chancellor of the Exchequer.
Mr. Strutt.	Mr. George Evans.
Mr. Hawes.	Mr. Macleod.
Lord Ebrington.	Mr. Phillpotts.
Mr. Hume.	Mr. Goddard.

Committee proceeded in the classification.

Pension to Mrs. Fielding—deceased.

Pensions to Catherine and A. H. Grant :—

Letter read from Mrs. C. Grant, resigning their pensions.

Committee proceeded in the classification.

[Adjourned till Tuesday, at half-past Twelve.]

*Martis, 20° die Martii, 1838.*

PRESENT :

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Strutt.
Mr. Grote.	Mr. V. Stuart.
Mr. Alderman Copeland.	Mr. Hume.
Mr. George Evans.	Mr. Wilbraham.
Mr. Phillpotts.	Mr. Pendarves.
Mr. Macleod.	
Mr. Hawes.	

Mr. Bannerman was discharged by the House from attending, and Mr. Wilbraham added.

Committee proceeded in the classification.

On the pension to Arabella Hamilton.

Motion,—That this motion be placed in Class II.—(Mr. Phillpotts.)

AYES.	NOES.
Evans, Mr. George.	Chancellor of Exchequer, Mr.
Grote, Mr.	Copeland, Mr. Alderman.
Hawes, Mr.	Pendarves, Mr.
Hume, Mr.	Stuart, Mr. V.
Macleod, Mr.	
Phillpotts, Mr.	
Strutt, Mr.	
Wilbraham, Mr.	

AYES - - - - - 8 } Placed in Class II.  
NOES - - - - - 4 }

Letter from Lady Jane Hay, resigning her pension.

On the two pensions to Lady Mary Hay :—

Motion,—That these pensions be placed in Class II.—(Mr. Hume.)

AYES.	NOES.
Copeland, Mr. Alderman.	Chancellor of Exchequer, Mr.
Evans, Mr. George.	Ebrington, Lord.
Grote, Mr.	Pendarves, Mr.
Hawes, Mr.	Stuart, Mr. V.
Hume, Mr.	
Macleod, Mr.	
Phillpotts, Mr.	
Strutt, Mr.	
Wilbraham, Mr.	

AYES - - - - - 9 } Placed in Class II.  
NOES - - - - - 4 }

Committee proceeded in the classification.

[Adjourned till Thursday, half-past Twelve.]

*Jovis,*

*Jovis, 23° die Martii, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. Chancellor of Exchequer.	Mr. Grote.
Mr. George Evans.	Mr. V. Stuart.
Mr. Phillpotts.	Mr. Wilbraham.
Mr. Pendarves.	Mr. Alderman Copeland.
Mr. Macleod.	

Committee proceeded in the classification.

[Adjourned till Tuesday, at half-past Twelve.

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*Martis, 27° die Martii, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. V. Stuart.	Mr. George Evans.
Mr. Wilbraham.	Mr. Hawes.
Mr. Pendarves.	Mr. Alderman Copeland.
Mr. Chancellor of Exchequer.	Mr. Plumptre.
Mr. Hume.	Mr. Handley.
Mr. Grote.	Mr. Phillpotts.

Committee proceeded in the classification.

On the pension to Lady Cecilia Latouche :—

Motion,—That this pension be placed in Class II.—(Mr. Hume.)

AYES.	NOES.
Grote, Mr.	Chancellor of Exchequer, Mr.
Hume, Mr.	Copeland, Mr. Alderman.
	Ebrington, Lord.
	Evans, Mr. George.
	Handley, Mr.
	Pendarves, Mr.
	Plumptre, Mr.
	Stuart, Mr. V.
	Wilbraham, Mr.

AYES - - - - - 2 }  
NOES - - - - - 9 } Placed in Class I.

Committee proceeded in the classification.

On the pension to Edward Leeves :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Evans, Mr. George.
Copeland, Mr. Alderman.	Grote, Mr.
Ebrington, Lord.	Hume, Mr.
Handley, Mr.	Wilbraham, Mr.
Pendarves, Mr.	
Plumptre, Mr.	
Stuart, Mr. V.	

AYES - - - - - 7 }  
NOES - - - - - 4 } Placed in Class I.

Committee proceeded in the classification.

[Adjourned till Thursday, at half-past Twelve.

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*Jovis, 29° die Martii, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. V. Stuart.	Mr. George Evans.
Mr. Grote.	Mr. Pendarves.
Mr. Phillpotts.	Mr. Chancellor of the Exchequer.
Lord Ebrington.	Mr. Wilbraham.
Mr. Handley.	Mr. Hume.

Letter read from Honourable Anne Lushington, resigning her pension.

Committee proceeded in the classification.

Committee deliberate as to the expediency of making an interim Report.

Draft of First Report read and agreed to.

Chairman instructed to move for leave to report from time to time.

Committee proceeded in the classification.

On the pension to Henrietta Wharton Mackenzie:—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Grote, Mr.
Ebrington, Lord.	Handley, Mr.
Evans, Mr. George.	Hume, Mr.
Pendarves, Mr.	Phillpotts, Mr.
Strutt, Mr.	Wilbraham, Mr.
Stuart, Mr. V.	

AYES - - - - - 6 } Placed in Class I.  
NOES - - - - - 5 }

Committee proceeded in the classification.

[Adjourned till Monday, at half-past Twelve.]

*Lunæ, 2° die Aprilis, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. V. Stuart.	Mr. George Evans.
Mr. Strutt.	Mr. Hume.
Mr. Chancellor of the Exchequer.	Mr. Pendarves.
Mr. Wilbraham.	Mr. Grote.
Lord Ebrington.	Mr. Alderman Copeland.

Committee proceeded in the classification.

[Adjourned till To-morrow, at half-past Twelve.]

*Martis, 3° die Aprilis, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. Geo. Evans.	Mr. Pendarves.
Mr. V. Stuart.	Lord J. Russell.
Mr. W. Evans.	Mr. Wilbraham.
Mr. Plumptre.	Mr. Chancellor of the Exchequer.
Mr. Phillpotts.	Mr. W. Evans.
Mr. Hume.	Mr. Grote.
Lord Ebrington.	Mr. Alderman Copeland.

Committee deliberate.

*Resolved*,—That the Committee will sit on Friday, Monday and Tuesday next.

Committee proceeded in the classification.

[Adjourned till Friday, at half-past Twelve.]

*Veneris,*

*Veneris, 6° die Aprilis, 1838.*

**PRESENT:**

**Mr. SANFORD,** in the Chair.

**Mr. Geo. Evans.  
Mr. Hume.  
Mr. Wm. Evans.  
Mr. Wilbraham.**

**Mr. Strutt.  
Mr. Plumptre.  
Lord Ebrington.  
Mr. Macleod.**

On the pension to Isabella and Mary Rollo :—

Motion — That this pension be placed in Class II.—(Mr. Hume.)

**AYES.**  
Grote, Mr.  
Hume, Mr.  
Strutt, Mr.

**NOES.**  
Chancellor of the Exchequer, Mr.  
Ebrington, Lord.  
Evans, Mr. G.  
Evans, Mr. W.  
Macleod, Mr.  
Plumptre, Mr.  
Wilbraham, Mr.

**AYES** - - - - - 3 } Placed in Class I.  
**NOES** - - - - - 7 }

Committee proceeded in the classification.

[Adjourned till Monday, half-past Twelve.]

*Lunæ, 9° die Aprilis, 1838.*

**PRESENT:**

**Mr. SANFORD,** in the Chair.

**Mr. Strutt.  
Mr. Wilbraham.  
Mr. Chancellor of the Exchequer.  
Mr. Macleod.**

**Mr. V. Stuart.  
M. Grote.  
Mr. W. Evans.  
Lord Ebrington.**

Committee proceeded in the classification.

[Adjourned till To-morrow, at half-past Twelve.]

*Martis, 10° die Aprilis, 1838.*

**PRESENT:**

**Mr. SANFORD,** in the Chair.

**Mr. V. Stuart.  
Mr. Wilbraham.  
Lord Ebrington.  
Mr. Grote.**

**Mr. Macleod.  
Mr. Chancellor of the Exchequer.  
Mr. Hume.**

Committee proceeded in the classification.

On the pension to Ch. H. Maria Wellington :—

Motion,—That this pension be placed in Class II.—(Mr. Hume.)

**AYES.**  
Grote, Mr.  
Hume, Mr.  
Wilbraham, Mr.

**NOES.**  
Chancellor of the Exchequer, Mr.  
Ebrington, Lord.  
Macleod, Mr.  
Stuart, Mr. V.

**AYES** - - - - - 3 } Placed in Class I.  
**NOES** - - - - - 4 }

Committee proceeded in the classification.

On the pension to Catharine and Jane Arbuthnot :—

Motion,—That these pensions be placed in Class II.—(Mr. Hume.)

**AYES.**  
Grote, Mr.  
Hume, Mr.  
Macleod, Mr.  
Wilbraham, Mr.

**NOES.**  
Chancellor of the Exchequer, Mr.  
Ebrington, Lord.  
Stuart, Mr. Villiers.

**AYES** - - - - - 4 } Placed in Class II.  
**NOES** - - - - - 3 }

Committee proceeded in the classification.

[Adjourned till To-morrow, at Two o'clock.]

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*Mercurii, 11° die Aprilis, 1838.*

**PRESENT:**

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Grote.
Mr. George Evans.	Mr. Macleod.
Mr. V. Stuart.	Mr. Hume.

Committee proceeded in the classification.

[Adjourned till Thursday, 26 April, half-past Twelve.]

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*Jovis, 26° die Aprilis, 1838.*

**PRESENT:**

MR. SAN FORD.

Mr. Chancellor of the Exchequer.	Mr. Grote.
Mr. George Evans.	Mr. Phillpotts.
Mr. V. Stuart.	Mr. Strutt.
Mr. Macleod.	Sir E. Wilmot.
Lord Ebrington.	Mr. Hawes.
Mr. Wilbraham.	

Committee proceeded to the classification.

Lady Catherine Berens's letter read, resigning her pension.

[Adjourned till Tuesday.]

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*Martis, 1° die Maii, 1838.*

**PRESENT:**

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Grote.
Mr. Strutt.	Mr. George Evans.
Mr. Alderman Copeland.	Mr. Macleod.
Mr. Villiers Stuart.	Mr. Hume.
Mr. Hawes.	Mr. Phillpotts.
Mr. Pendarves.	Mr. Wilbraham.
Mr. Handley.	Lord Ebrington.

Committee proceeded in the classification.

[Adjourned till Friday, half-past Twelve.]

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*Veneris,*

*Veneris, 4<sup>o</sup> die Maii, 1838.*

PRESENT :

Mr. SANFORD, in the Chair.

Mr. Grote.	Mr. Strutt.
Mr. George Evans.	Mr. Phillpotts.
Mr. Wilbraham.	Mr. V. Stuart.
Mr. Hume.	Mr. Macleod.
Mr. Pendarves.	

Committee proceeded to re-consider Class II.

[Adjourned till Tuesday, half-past Twelve, to consider the reserved cases.

*Martis, 15<sup>o</sup> die Maii, 1838.*

PRESENT :

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Strutt.
Mr. George Evans.	Mr. W. Evans.
Mr. Alderman Copeland.	Mr. V. Stuart.
Mr. Goddard	Mr. Phillpotts.
Mr. Hawes.	Mr. Pendarves.
Mr. Macleod.	Mr. Handley.
Mr. Grote.	

Committee proceeded in the classification.

*Resolved*,—That it is expedient to form a new Class ; viz.

Class III.—Pensions which the Committee consider ought to be discontinued unless fresh evidence should be produced.

On the pension to Catherine and Jane Arbuthnot :—

The proceedings of the Committee on 10th April, read.

*Motion*,—That this pension be placed in Class III.—(Mr. Hume.)

AYES.	NOES.
Grote, Mr.	Chancellor of the Exchequer, Mr.
Hawes, Mr.	Copeland, Mr. Alderman.
Hume, Mr.	Evans, Mr. George.
	Evans, Mr. William.
	Goddard, Mr.
	Macleod, Mr.
	Pendarves, Mr.
	Phillpotts, Mr.
	Strutt, Mr.
	Stuart, Mr. V.
AYES - - - - - 3}	Placed in Class I.
NOES - - - - - 10}	

*Resolved*,—That it is expedient to form a new Class ; viz.

Class IV.—Such pensions as ought to be in abeyance, the present circumstances of the parties not requiring them.

Letter from Mr. Bromley read, resigning the pension of Lady Louisa Bromley.

On the pension to Mary Campbell :—

*Motion*,—That this pension be placed in Class III.—(Mr. Hume.)

*Amendment moved*,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

CLASS I.	CLASS III.
Chancellor of the Exchequer, Mr.	Copeland, Mr. Alderman.
Evans, Mr. William.	Evans, Mr. George.
Grote, Mr.	Goddard, Mr.
Hawes, Mr.	Handley, Mr.
Macleod, Mr.	Hume, Mr.
Pendarves, Mr.	
Phillpotts, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	
CLASS I. - - - - - 9}	Placed in Class I.
CLASS III. - - - - - 5}	

On the pension to Marianna Cockburn:—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment moved,—That this pension be placed in Class III.—(Mr. Hume.)

CLASS I.

Chancellor of the Exchequer, Mr.  
Copeland, Mr. Alderman.  
Evans, Mr. George.  
Evans, Mr. William.  
Goddard, Mr.  
Grote, Mr.  
Handley, Mr.  
Hawes, Mr.  
Macleod, Mr.  
Pendarves, Mr.  
Phillpotts, Mr.  
Strutt, Mr.  
Stuart, Mr. V.

CLASS III.

Hume, Mr.

CLASS I. - - - - 13 } Placed in Class I.  
CLASS III. - - - - 1 }

Committee proceeded in the classification.

[Adjourned to Tuesday, at half-past Twelve.]

*Martis, 22° die Maii, 1838.*

PRESENT :

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.  
Mr. Strutt.  
Mr. Phillpotts.  
Mr. William Evans.  
Mr. Wilbraham.  
Mr. Macleod.  
Mr. Hume.  
Mr. Handley.

Mr. Grote.  
Mr. George Evans.  
Mr. Alderman Copeland.  
Mr. V. Stuart.  
Lord John Russell.  
Mr. Hawes.  
Mr. Pendarves.  
Lord Ebrington.

Committee proceeded in the classification.

On the pension to Emma Finucane:—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Motion,—That this pension be placed in Class II.—(Mr. Hume.)

CLASS I.

Chancellor of the Exchequer, Mr  
Ebrington, Lord.  
Evans, Mr. William.  
Handley, Mr.  
Hawes, Mr.  
Macleod, Mr.  
Pendarves, Mr.  
Russell, Lord John.  
Strutt, Mr.  
Stuart, Mr. V.  
Wilbraham, Mr.

CLASS II.

Copeland, Mr. Alderman.  
Evans, Mr. George.  
Grote, Mr.  
Hume, Mr.  
Phillpotts, Mr.

CLASS I. - - - - 11 } Placed in Class I.  
CLASS II. - - - - 5 }

[Adjourned till Thursday, till half-past Twelve.]

*Jovis, 24° die Maii, 1838.*

PRESENT :

Mr. SANFORD, in the Chair.

Mr. Grote.  
Mr. George Evans.  
Mr. Macleod.  
Mr. Handley.  
Mr. Pendarves.

Mr. Strutt.  
Mr. William Evans.  
Mr. Hume.  
Mr. Phillpotts.

Committee

Committee proceeded in the classification.

On the pension to the Children of John Hamilton, deceased :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment moved,—That this pension be placed in Class III.—(Mr. Hume.)

**FOR CLASS I.**

Chancellor of the Exchequer, Mr.  
Evans, Mr. William.  
Handley, Mr.  
Macleod, Mr.  
Pendarves, Mr.  
Stuart, Mr. V.

**FOR CLASS III.**

Evans, Mr. George.  
Grote, Mr.  
Hume, Mr.  
Phillpotts, Mr.  
Strutt, Mr.

**FOR CLASS I.** - - - - 6 } Placed in Class I.  
**FOR CLASS III.** - - - - 5 }

On the pension to Augustus Hobart :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment proposed,—That this pension be placed in Class III.—(Mr. Hume.)

**FOR CLASS I.**

Chancellor of the Exchequer, Mr.  
Evans, Mr. George.  
Evans, Mr. William.  
Goddard, Mr.  
Pendarves, Mr.  
Strutt, Mr.  
Stuart, Mr. V.

**FOR CLASS III.**

Grote, Mr.  
Hume, Mr.  
Macleod, Mr.  
Phillpotts, Mr.  
Wilbraham, Mr.

**FOR CLASS I.** - - - - 7 } Placed in Class I.  
**FOR CLASS III.** - - - - 5 }

On the pension to the Earl of Huntingdon :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment proposed,—That the consideration of this pension be postponed.—(Mr. Hume.)

**FOR CLASS I.**

Chancellor of the Exchequer, Mr.  
Goddard, Mr.  
Pendarves, Mr.  
Phillpotts, Mr.  
Stuart, Mr. V.  
Wilbraham, Mr.

**FOR POSTPONEMENT.**

Evans, Mr. George.  
Evans, Mr. William.  
Grote, Mr.  
Hume, Mr.  
Macleod, Mr.  
Strutt, Mr.

The numbers being equal, Mr. Sanford the Chairman decided for Class I.

**FOR CLASS I.** - - - - 7 } Placed in Class I.  
**FOR POSTPONEMENT** - - - - 6 }

Committee proceeded in the classification.

[Adjourned till Monday, half-past Twelve.]

*Lunæ, 28° die Maii, 1838.*

**PRESENT :**

**Mr. SANFORD,** in the Chair.

Mr. Chancellor of the Exchequer.  
Mr. George Evans.  
Mr. Handley.  
Mr. V. Stuart.  
Mr. Goddard.  
Mr. Hume.  
Mr. Rickford.

Mr. Strutt.  
Mr. Phillpotts.  
Mr. Grote.  
Mr. Wilbraham.  
Mr. Pendarves.  
Mr. Macleod.

Committee proceeded in the classification.

On the pension to Viscount Molesworth :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment moved,—That this pension be placed in Class III.—(Mr. Hume.)

**CLASS I.**

Chancellor of the Exchequer, Mr.  
Handley, Mr.  
Macleod, Mr.  
Pendarves, Mr.  
Strutt, Mr.  
Stuart, Mr. V.  
Wilbraham, Mr.

**CLASS III.**

Evans, Mr. George.  
Goddard, Mr.  
Grote, Mr.  
Hume, Mr.  
Phillpotts, Mr.

**CLASS I.** - - - - - 7 } Placed in Class I.  
**CLASS III.** - - - - - 5 }

On the pension to Lord Montford :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment moved,—That this pension be placed in Class III.—(Mr. Hume.)

**CLASS I.**

Chancellor of the Exchequer, Mr.  
Goddard, Mr.  
Macleod, Mr.  
Strutt, Mr.  
Stuart, Mr. V.

**CLASS III.**

Evans, Mr. George.  
Grote, Mr.  
Hume, Mr.  
Pendarves, Mr.  
Phillpotts, Mr.  
Wilbraham, Mr.

**CLASS I.** - - - - - 5 } Placed in Class III.  
**CLASS III.** - - - - - 6 }

[Adjourned till Thursday, at half-past Twelve.]

*Jovis, 31° die Maii, 1838.*

**PRESENT :**

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Strutt.
Mr. George Evans.	Mr. Phillpotts.
Mr. Alderman Copeland.	Mr. V. Stuart.
Mr. Grote.	Mr. Pendarves.
Mr. Wilbraham.	Mr. Handley.

Committee proceeded in the classification.

[Adjourned to 12 June, at half-past Twelve o'clock.]

*Martis, 12° die Junii, 1838.*

**PRESENT :**

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Strutt.
Mr. George Evans.	Mr. Wm. Evans.
Mr. V. Stuart.	Mr. Goddard.
Mr. Pendarves.	Mr. Handley.
Mr. Phillpotts.	Mr. Hume.
Mr. Grote.	

Sir David, Scott summoned the last day, announced to be in attendance.

Committee deliberates.

Mr. Chancellor of the Exchequer read a paper which he had received from the witness.

Sir David Scott, magistrate at Brighton, examined.

Mr. John Trangmar, Mrs. Newman, her son John and Mrs. Grainger, together with Mr. Maule, ordered to attend on Thursday next, half-past Twelve.

[Adjourned to Thursday next, half-past Twelve.]

*Jovis,*

*Jovis, 14° die Junii, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Strutt.
Mr. George Evans.	Mr. V. Stuart.
Mr. Handley.	Mr. Phillpotts.
Mr. Pendarves.	Mr. Goddard.
Mr. Hawes.	Lord Ebrington,
Mr. Hume.	Mr. Wm. Evans.

Mr. John Turner Trangmar, headborough at Brighton, in 1823, examined.

Mrs. Newnham, resident at Ship-street, Brighton, examined.

Mrs. Grainger, daughter of the above witness, examined.

John Newnham, brother of the last witness, examined.

Peter Grant, headborough at Brighton, in 1823, examined.

*Ordered*,—That Mr. Colbatch do attend this Committee on Tuesday next, at half-past Twelve o'clock, and bring with him all papers respecting the commitment of D. J. Griffith to Lewes Gaol, and that he do obtain the warrant of commitment, or a copy thereof, together with copies of all depositions in the case, and the warrant or a copy thereof for the removal of the said D. J. Griffith from Lewes Gaol to Bedlam Hospital.

On the pension to Mary Dulcibella Drummond, the special circumstances of the case stated.

Motion,—That this pension be placed in Class IV.—(Mr. Hume.)

Amendment proposed,—That such a portion of the pension as will cover the amount of the insurance (about 75*l.*) as settled on the marriage, be placed in Class I.—(Mr. Chancellor of the Exchequer.)

CLASS I.

Chancellor of the Exchequer, Mr.  
Ebrington, Lord.  
Pendarves, Mr.  
Phillpotts, Mr.  
Stuart, Mr. V.

CLASS IV.

Evans, Mr. George.  
Evans, Mr. William.  
Goddard, Mr.  
Hume, Mr.  
Strutt, Mr.

Mr. Sanford, the Chairman, declared for Class IV.

FOR CLASS I. - - - - 5 } Placed in Class IV.  
FOR CLASS IV. - - - - 6 }

[Adjourned to Tuesday, at half-past Twelve.]

*Martis, 19° die Junii, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. Chancellor of Exchequer.	Mr. Strutt.
Mr. Grote.	Mr. Wm. Evans.
Mr. Geo. Evans.	Mr. Hume.
Mr. V. Stuart.	Mr. Pendarves.
Mr. Phillpotts.	Lord Ebrington.
Mr. Goddard.	

Mr. John Coldbach, Clerk to the Magistrates at Brighton in 1823, examined.

Mr. Maule, Solicitor to the Treasury, examined.

Mr. Capper, Criminal Department, Home Department, examined.

Committee proceeded in the classification.

On the pension to C. E. McLellan, now Lambert :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of Exchequer.)

Amendment,—That this pension be placed in Class IV.—(Mr. Hume.)

CLASS I.	CLASS IV.
Chancellor of Exchequer, Mr.	Grote, Mr.
Evans, Mr. G.	Hume, Mr.
Evans, Mr. W.	Phillpotts, Mr.
Goddard, Mr.	
Pendarves, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	
<small>FOR CLASS I. - - - - - 7</small>	<small>Placed in Class I.</small>
<small>FOR CLASS IV. - - - - - 3</small>	

On the pensions to Harriet McDonough, now in the United States, Ann McGowan, now in Nova Scotia, and Mary Ann Munson, now abroad :—

Committee resolved,—That the above cases be left to be dealt with by the Government, the Committee not having any means of deciding upon the cases.

On the pension to Lady Louisa Murray :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of Exchequer.)

Amendment proposed,—That this pension be placed in Class IV.—(Mr. Hume.)

CLASS I.	CLASS IV.
Chancellor of the Exchequer, Mr.	Hume, Mr.
Evans, Mr. William.	Phillpotts, Mr.
Goddard, Mr.	Strutt, Mr.
Pendarves, Mr.	
Stuart, Mr. V.	
<small>FOR CLASS I. - - - - - 5</small>	<small>Placed in Class I.</small>
<small>FOR CLASS IV. - - - - - 3</small>	

On the pension to Rosamond Harriet Pennell :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment proposed,—That this pension be placed in Class III.—(Mr. Hume.)

CLASS I.	CLASS III.
Chancellor of the Exchequer, Mr.	Evans, Mr. George.
Evans, Mr. William.	Hume, Mr.
Pendarves, Mr.	
Phillpotts, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	
<small>FOR CLASS I. - - - - - 6</small>	<small>Placed in Class I.</small>
<small>FOR CLASS III. - - - - - 2</small>	

On the Pension to Sir George Rich :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of Exchequer.)

Amendment proposed,—That this pension be placed in Class IV.—(Mr. Hume.)

CLASS I.	CLASS IV.
Chancellor of Exchequer, Mr.	Evans, Mr. George.
Evans, Mr. William.	Hume, Mr.
Goddard, Mr.	
Pendarves, Mr.	
Phillpotts, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	
<small>FOR CLASS I. - - - - - 7</small>	<small>Placed in Class I.</small>
<small>FOR CLASS IV. - - - - - 2</small>	

[Adjourned till Thursday, at half-past Twelve.]

Jovis,

*Jovis, 21<sup>o</sup> die Junii, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Grote.
Mr. Strutt.	Mr. George Evans.
Mr. Phillpotts.	Mr. William Evans.
Mr. Handley.	Mr. V. Stuart.
Lord Ebrington.	Mr. Pendarves.
Mr. Hume.	Mr. Goddard.

Committee proceeded in the classification.

On the case of Sir David Scott, for which the Committee had been specially summoned:—

Evidence respecting the case read.

Question proposed,—That the pension be placed in Class III.—Agreed to.

Ordered, THAT there be laid before this Committee official copies of the several depositions in the case of D. J. Griffith in the year 1823, and produced by Mr. Colbatch on the 19th June before this Committee.

Committee proceeded in the classification.

On the pension to Thomas Knox Holmes:—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment proposed,—That this pension be continued for the life of Mr. William Holmes, the father.—(Mr. Grote.)

For the Life of the SON.	For the Life of the FATHER.
Chancellor of the Exchequer, Mr.	Evans, Mr. George.
Ebrington, Lord.	Goddard, Mr.
Evans, Mr. William.	Grote, Mr.
Handley, Mr.	Hume, Mr.
Stuart, Mr. V.	Pendarves, Mr.
	Phillpotts, Mr.
	Strutt, Mr.

For the Life of the SON - - - - 5 } Continued for the life of the FATHER.  
For the Life of the FATHER - - - 7 }

[Adjourned till Tuesday, at half-past Twelve.

*Martis, 26<sup>o</sup> die Jumi, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Grote.
Lord Ebrington.	Mr. Phillpotts.
Mr. George Evans.	Mr. William Evans.
Mr. V. Stuart.	Mr. Hume.
Mr. Alderman Copeland.	Mr. Pendarves.
Mr. Strutt.	

The opinion of the Attorney and Solicitor General of England and the Attorney General of Ireland, respecting pensions on the Irish establishment held by patent, read.

On the pension to Lady Mary Hay:—

Motion,—That this pension be placed in Class I, with a special report stating the particular circumstances of the family connexion—(Lord Ebrington.)

Amendment proposed,—That this pension be placed in Class III.—(Mr. Grote.)

CLASS I.	CLASS III.
Chancellor of the Exchequer, Mr.	Grote, Mr.
Ebrington, Lord.	Hume, Mr.
Evans, Mr. George.	
Evans, Mr. William.	
Phillpotts, Mr.	
Strutt, Mr.	
Stuart, Mr. V.	

FOR CLASS I. - - - - 7 } Placed in Class I.  
FOR CLASS III. - - - - 2 }

On the pension to Viscount Hereford :—

Motion,—That this pension be placed in Class III.—(Mr. Hume.)

Amendment proposed,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

**CLASS III.**  
 Copeland, Mr. Alderman.  
 Evans, Mr. George.  
 Grote, Mr.  
 Hume, Mr.  
 Phillipotts, Mr.  
 Strutt, Mr.

**CLASS I.**  
 Chancellor of the Exchequer, Mr.  
 Ebrington, Lord.  
 Evans, Mr. William.  
 Pendarves, Mr.  
 Stuart, Mr. V.

**FOR CLASS III.** - - - - 6 } Placed in Class III.  
**FOR CLASS I.** - - - - 5 }

On the pension to the Earl of Rothes :—

Motion,—That this pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment proposed,—That this pension be placed in Class III.—(Mr. Hume.)

**CLASS I.**  
 Chancellor of the Exchequer, Mr.  
 Ebrington, Lord.  
 Evans, Mr. William.  
 Pendarves, Mr.  
 Stuart, Mr. V.

**CLASS III.**  
 Copeland, Mr. Alderman.  
 Evans, Mr. G.  
 Hume, Mr.  
 Phillipotts, Mr.  
 Strutt, Mr.

The numbers being equal, Mr. Sanford, the Chairman, decided with Class I.

**FOR CLASS I.** - - - - 6 } Placed in Class I.  
**FOR CLASS III.** - - - - 5 }

On the pension to Lady Westmeath :—

Motion,—That the pension be placed in Class I.—(Mr. Chancellor of the Exchequer.)

Amendment proposed,—That this pension be placed in Class III.—(Mr. Hume.)

**CLASS I.**  
 Chancellor of the Exchequer, Mr.  
 Evans, Mr. William.

**CLASS III.**  
 Copeland, Mr. Alderman.  
 Ebrington, Lord.  
 Evans, Mr. George.  
 Hume, Mr.  
 Pendarves, Mr.  
 Phillipotts, Mr.  
 Strutt, Mr.  
 Stuart, Mr. V.

**FOR CLASS I.** - - - - 2 } placed in Class III.  
**FOR CLASS III.** - - - - 8 }

On the pension to Lady Sophia Lenox,—resigned.

On the pension to Lord Montford, reconsidered. Further circumstances stated.

Motion,—That this pension be transferred from Class III. to Class I. Agreed to.

[Adjourned.]

*Jovis, 19<sup>o</sup> die Julii, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.  
 Mr. George Evans.  
 Mr. Phillipotts.  
 Mr. Handley.  
 Mr. Hume.  
 Lord Ebrington.  
 Mr. Goddard.  
 Mr. Alderman Copeland.

Mr. Grote.  
 Mr. Strutt.  
 Mr. Macleod.  
 Mr. George Wilbraham.  
 Mr. Pendarves.  
 Mr. Hawes.  
 Lord J. Russell.

On

On the pension to Lady Westmeath :—

The proceedings of the Committee of 26 June read.

Mr. Chancellor of the Exchequer stated that this pension was granted for life by patent.

*Resolved*.—That upon examination into the original grant of this pension, the Committee find that this was one of those created by patent for life, under the great seal; and they feel it their duty to alter their determination, and to place this pension in Class I.

On the pension to Lord Aylmer and Admiral Aylmer :—

The proceedings of the Committee of 15 February, read.

Motion.—That on re-consideration of the services of Admiral Aylmer, it is not expedient that this pension should be discontinued.—(Mr. Chancellor of the Exchequer.)

AYES.	NOES.
Chancellor of the Exchequer, Mr.	Hume, Mr.
Ebrington, Lord.	Phillpotts, Mr.
Evans, Mr. George.	
Goddard, Mr.	
Grote, Mr.	
Handley, Mr.	
Hawes, Mr.	
Macleod, Mr.	
Pendarves, Mr.	
Russell, Lord J.	
Strutt, Mr.	
Wilbraham, Mr.	

AYES - - - - - 12 } Agreed to be placed in Class I.  
NOES - - - - - 2 }

On the pension to Emily Rumbold :—

The former proceedings of the Committee read.

*Resolved*.—That the name of Emily Rumbold be placed among those pensions which the Committee consider should determine at another and earlier period than that which was contemplated when the pension was granted.

Draft of Report read, amended and agreed to.

[Adjourned to Tuesday, at One o'clock.]

*Martis, 24° die Julii, 1838.*

PRESENT:

Mr. SANFORD, in the Chair.

Mr. Chancellor of the Exchequer.	Mr. Strutt.
Mr. George Evans.	Mr. Phillpotts.
Mr. Macleod.	Mr. Pendarves.
Mr. Hume.	

Mr. Chancellor of the Exchequer laid before the Committee an Analysis of the Pension List.

Report as agreed to, with the Analysis, to be reported to The House.

Chairman directed to move The House, that the Minutes of the Proceedings be laid before The House.

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## P E N S I O N S.

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## PAPERS AND DOCUMENTS.

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### PENSIONS RESIGNED.

*Aston, Lord.*—£. 97.  
*Auckland, Lord.*—£. 386; ceased on Lord Auckland's appointment in 1830.  
*Berens, Lady Catherine.*—£. 81.  
*Bouverie, Lady Frances.*—£. 81.  
*Bradshaw, Augustus.*—£. 92.  
*Bromley, Lady Louisa.*—£. 200.  
*Caermarthen, Marchioness of.*—£. 300.  
*Cranstoun, Lord.*—£. 184.  
*Dabrymple, Elizabeth.*—£. 49.  
*Drummond, Thomas.*—£. 300; surrendered whilst under-secretary in Ireland.  
*Elphinstone, Lord.*—£. 276; surrendered on appointment to Madras.  
*Grant, Catherine, Anne and Harriett.*—£. 97.  
*Gray, Lady.*—£. 97.  
*Hunter, Sir Richard.*—£. 288.  
*Hay, Lady Jane.*—£. 97.  
*Lushington, Honourable Ann.*—£. 624.  
*Lenox, Lady Sophia.*—£. 150.  
*Parnell, Lady Caroline.*—£. 200.  
*Strangford, Viscount.*—£. 88.

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PENSIONS to be for the present SUSPENDED, and to be re-granted on the responsibility of the Government, should the circumstances of the parties render it necessary hereafter, when the specified contingencies shall have occurred.

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*Batson, Isabella.*—£. 103; to be suspended during the life of her husband, Mr. Batson.  
*Wellesley, Marchioness.*—£. 300; to be suspended during the life of the Marquis Wellesley.  
*Croker, Rosamond.*—£. 300; to be suspended during the life of the Right honourable J. Wilson Croker.  
*Drummond, Honourable M. D.*—£. 200; to be suspended during the life of her husband, Mr. Drummond.  
*Drummond, Clementina.*—£. 49; to be suspended during the life of her husband, Mr. Davis.  
*Freemantle, Albinia.*—£. 43; to be suspended during the life of her husband, Mr. Butler Danvers.  
*Hobart, Lady Vere.*—£. 100; to be suspended during the life of her husband, Mr. Cameron of Lochiel.  
*Goddard, Isabella.*—£. 662; to be suspended during the life of her husband, Archdeacon Goddard.

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PENSIONS which the Committee consider should determine at another or an earlier period than that which is contemplated by the original grant.

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*Sidney*, family of.—£. 500 ; not to continue for the life of the grantees, but for the life of the present Sir J. S. Sidney.

*Stewart*, Sir *Simeon H.*—£. 200 ; not to continue for the life of the grantee, but for the life of his mother.

*Tyrconnell*, Earl of.—£. 600 ; not to continue for the life of the grantees, but for the life of his Lordship's mother, the Honourable Mrs. Carpenter.

*Strathmore*, Countess of.—£. 184 ; to be surrendered when the circumstances of Lady Strathmore enable her Ladyship to do so ; this contingency is anticipated by Lady Strathmore, who has expressed her willingness, in such case, to resign her pension.

*Holmes*, T. K.—£. 500 ; to be continued, not for the life of the grantee, but for the life of W. Holmes, sen.

*Rumbold*, *Emily*.—£. 115 ; to be continued, not for the life of the grantee, but for the life of Caroline Rumbold.

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PENSIONS for which the Committee do not consider it expedient that future provision should be made.

*Courtenay*, Lady *Elizabeth*.—£. 81.

*Hay*, Lady *Mary Turner*.—£. 97.

*Hobart*, Lady *Albinia*.—£. 100.

*Johnstone*, Edward J.—£. 300 ; a retired allowance to which the party has been entitled, but which was suspended, being in future paid.

*Napier*, *Caroline*, now *Reid*.—£. 97.

*Sheridan*, R. *Brinsley*.—£. 57.

*Sheridan*, Harriett S. now *Blackwood*.—£. 57.

*Walsingham*, Lord.—£. 936.

*Home*, Earl of.—£. 276.

*Ouslow*, Arthur.—£. 81.

*Sinclair*, Lord.—£. 184.

*Wilkins*, Honourable *Eliza*, now *Stretton*.—£. 115.

*Scott*, Sir *David*, Bart.—£. 449.

*Hereford*, Viscount.—£. 582.

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**A B S T R A C T**  
OF THE  
**PAPERS AND DOCUMENTS COMMUNICATED TO THE COMMITTEE.**

**PENSIONS FOR NAVAL AND MILITARY SERVICES.**

*Airey, Catherine*; age 59.—£. 100.

Granted for the services of her husband, Lieutenant-general Sir George Airey, who spent his life in the Army, purchasing all his commissions; served 53 years; in the West Indies in 1780, and again from 1788 to 1794; in the campaigns under Sir Charles Grey, and Sir Ralph Abercrombie in 1795 and 1796, as assistant adjutant-general; several years on the staff in the Mediterranean, and in Ireland under General Fox in the adjutant quarter-master-general's department; died in March 1833.

*Aylmer, Lord*, age ; and *Aylmer, H. W. F.*, age 60.—£. 356.

The following paper contains a statement of the original grant to Lord Aylmer and Frederick Whitworth Aylmer:—

STATEMENT respecting the net pension of 356*l.* per annum charged upon the civil list of Ireland, in pursuance of a royal warrant, dated the 1st August 1831, in the 1st year of the reign of William the Fourth, and payable to Henry J. Clements in trust for Matthew Lord Aylmer and Henry F. Whitworth Aylmer, or those deriving under them.

By King's letter, dated 24th February 1783, reciting a memorial of Catherine Lady Aylmer, setting forth that Lord Aylmer was confined to his bed with a dreadful nervous disorder, and that same was induced by the wretchedness of his circumstances; that his family, which consisted of himself, Lady Aylmer and five children, had but 70*l.* a year for their support, and praying to be placed on the pension list. The lord-lieutenant of Ireland was authorized and required to have placed upon the civil establishment of said kingdom a pension of 400*l.* per annum, in the name of Henry Theophilus Clements, in trust for the use of Henry Lord Baron Aylmer, Catherine Lady Aylmer, his wife, and their five children, Mathew, Henry, Frederick, Whitworth and Rose Aylmer, same to be distributed in such proportions as the chief-governor of Ireland for the time being should direct; said pension was accordingly placed upon said establishment, and is now payable to James Alexander Hamilton, in pursuance of a power of attorney dated the 18th of October 1837.

(Certified.)  
Record Office, Custom-house Buildings,  
Dublin, 2 May 1888.

(signed) *W. H. Hardinge.*

The following letter has been addressed by Lord Aylmer to the chancellor of the Exchequer, and laid before the Committee:—

Paris, Hotel de la Terrasse, Rue de Rivoli,  
December 10, 1837.

Sir,

On my arrival at Paris yesterday I received the letter marked "Private Circular," which you did me the honour of addressing to me on the 24th ult., intimating that it would be your duty in the early part of the present Session to move for a Committee "to inquire how far the existing pensions ought to be continued, having due regard to the just claims of the parties and to economy in the public expenditure," and inviting the parties interested "to furnish you with any information which they shall feel it desirable to submit to the Committee through you, in the view of saving those parties from any trouble, anxiety or inconvenience which it may be in your power to avert."

The information called for in your letter, as regards myself and my family, relates, I apprehend, to a pension of 400*l.* per annum, granted to my mother on the death of my father, the late Lord Aylmer, with remainder to his children at her decease.

At the time that pension was granted I was very young, and incapable of comprehending the nature and urgency of the circumstances which induced my mother to apply for it, or the considerations which prevailed with the government of Ireland of that day to comply with her application. I only know that my father died in embarrassed circumstances, and I presume that the services of my ancestors, and more especially those of the first Lord Aylmer (admiral of the fleet in the reigns of Queen Anne and King George the First), from whom I am lineally descended, were brought forward and admitted, as giving a just claim to the favourable considerations of the Crown.

On the death of my mother, in the year 1805, the pensions which she had enjoyed descended to myself and my (then) two surviving brothers, according to the terms of the

## NAVAL AND MILITARY SERVICES.

original grant; but an Act of the Parliament of Ireland, passed in the year 1800 (40 Geo. 3, cap. 53), having secured to me a "special annuity," amounting to 600*l.* (Irish) per annum for my own life, I relinquished my own share of the pension in favour of my brothers; so that, in point of fact, I have no personal interest in the issue of the inquiry into the subject of pensions contemplated in your letter. One of my brothers having since died, the whole amount of the pension of 400*l.* (Irish) per annum is received by Rear-admiral Frederick W. Aylmer, my only surviving brother, who has arrived at his present rank in the naval service with a reputation bright and unsullied, an honour to his family and his country.

The above is the only information I have the power of furnishing, after the lapse of so many years, on the subject of the inquiry contained in your private circular letter; in doing so, I beg leave to decline the alternative it offers of having this communication considered in the light of a private letter; I have no objection whatever to have its contents submitted to a Committee of the House of Commons, for there is nothing in the subject, in so far as myself and family are concerned, of which either I or they have cause to be ashamed. If, indeed, my reflections on that subject should at any time call a blush into my cheeks, it would not, believe me, Sir, be the blush of shame at the thought of having my private affairs made the theme of discussion before a Committee of the House of Commons; neither have the ungenerous and unmanly observations called forth by the agitation of the question relating to pensions had the effect of making me feel that myself and family have cause to be ashamed of sharing the bounty of the nation in company with some of the most illustrious and distinguished men, and the descendants of others which our own or any other country can boast of.

I have the honour to be, Sir,

Your most obedient humble servant,

*Aylmer.*

The services of Lieutenant-general Lord Aylmer are as follow:

" Lieutenant-general Matthew Lord Aylmer, G. C. B.

Ensign, 49th foot ; no P.; 19 Oct. 1787.	{ -- Leave of absence two-and-a-half years previous to joining the regiment ; served nine months at Barbadoes ; returned to England on sick leave.
Lieutenant, 49th foot; by P.; 26 Oct. 1791.	{ -- Served two-and-a-half years in West Indies, of which period 11 months on service in St. Domingo ; present at first and second attacks upon Tiburon ; at the storming of Fort de l'Acul near Leagone ; at the affairs of Bombard, near Cape Nicola Mole, and at the reduction of Port-au-Prince.
Captain, 49th foot ; by P.; 8 Aug. 1794.	{ -- Reached England on sick leave in October 1794 ; in England till 1798 ; present at the descent near Ostend in May 1798 ; six months in prison in France. In 1799 present at the battle of the Helder ; the attack on the British lines 10th September ; and the battles of 19th September and 2d October 1799, in Holland.
Major, 85th foot ; no P.; 9 Oct. 1800.	{ -- Ten months in England, seven months in Jamaica.
Lieutenant - colonel, 85th foot ; by P.; 25 March 1802.	{ -- Eight months on half-pay, when I exchanged into Coldstream guards ; served in the north of Germany under Lord Cathcart 1805 ; present at the siege of Copenhagen, the passage of the Douro, and the battle of Talavera."
Half-pay on reduc- tion, 1 Oct. 1802.	
Exchanged to cap- tain and lieut.-colonel, Coldstream guards, 9 June 1803.	

The above detail is from a return furnished by Lord Aylmer himself in Oct. 1809.

" Aid-de-camp to the King, with the rank of colonel, 25 July 1810.

Major-general, 4 June

1813.

Lieut.-general, 27 May

1825.

{ -- Lord Aylmer served on the staff of the Army to the end of the Peninsular war, and has received medals or clasps for the following actions :—

Talavera,

Busaco,

Fuentes d'Honor,

Vittoria,

Nive.

} Assistant-adjutant-general

} Deputy-adjutant-general.

} A brigade.

Appointed to the staff in Ireland as a major-general, 7 July 1814 ; adjutant-general in Ireland, 22 December 1814.

Appointment abolished in July 1822.

Appointed commander of the forces in North America, 30 July 1830, and governor-general of Canada. (Succeeded by Lord Gosford.)

The only military pay Lord Aylmer receives is as colonel of the 18th

foot

pay £. 600

Emoluments from clothing, estimated at

550

£. 1,150 a year."

Admiral

Admiral Aylmer, to whom, as it has been shown, this pension has been resigned by his brother, has been in active service since the year 1793; in that year he was in action with gun-boats off the Scheldt; he was lieutenant at the battle of the Nile; he commanded seamen a-shore at the siege of St. Elmo in the land actions in Egypt, on the 7th and 21st of March. He commanded the Wasp in 1803, with a battalion of seamen and marines; ordered to co-operate with General Porlier on the coast of Spain; subsequently he was ordered to cruise off the coast of France, when he forced the Gironde; he also commanded the Severn at the battle of Algiers.

**Anstruther, Jean, Charlotte and Elizabeth Christian;** ages 34, 33 & 30.—£. 276.

The daughters of the late General Austruther, an excellent officer, who served 24 years in the Army; was in Holland in 1799; in Egypt as quarter-master-general; in Portugal and Spain in 1808; at the battle of Vimiera; and died from fatigue at Corunna in January 1809. The mother of these parties relinquished her claim to a larger pension of 600*l.* a year in consideration of this lesser grant to herself and to her children.

**Arnold, James Robertson, and William Fitch;** ages 57 & 44.—£. 162.

Sons of the late General Arnold, who had received several wounds in the service, and had been crippled for life; General Arnold had also suffered losses in consequence of the results of the American war.

**Baggot, Jean;** age 74.—£. 90

Her father, her two brothers, and her husband, all fell in the military service of the Crown.

**Baillie, Ann;** age 51.—£. 24.

Daughter of an army surgeon, who afterwards served for several years a barrack-master at Leith fort.

**Baillie, Jean;** age 54.—£. 39.

The uncle of this pensioner, Colonel Arthur Ross, was killed in battle. Five other uncles, all volunteered military service, and rose to professional rank. Her brothers also entered the service. Her eldest brother died on service, soon after the purchase of his majority; and her youngest brother died from the effects of cold and fatigue endured on service. The original grant was 40*l.* to the widow, and 40*l.* each to the sister of the pensioner and herself. The pensioner alone survives.

**Barlow, Sophia;** age 78.—£. 137. **Thistlethwayte, Caroline;** age 72.—£. 40.

Orphans of major-general Barlow, who died when on service in October 1777.

**Bate, Grace;** age 30.—£. 50.

Widow of Lieutenant Bate, who died of fever on the coast of Africa at the age of 35. He had been 20 years in the Navy, of which 18 were spent in active service. He was once wrecked on the coast of Africa, and was one of three whose lives were saved. The rules of the Admiralty did not permit that department to grant her a pension. The brother of Lieutenant Bate also died of fever after 16 years' service.

**Bearcroft, Susannah;** age .—£. 57.

Sister of three gentlemen, all of whom died in the public service; one of them returned from Martinique, commissary-general of accounts.

**Benning, Eliza;** age 57.—£. 43.

Orphan of Captain Benning, who died when leading the 68th regiment at Albuera. A medal was presented to his mother. He was but 28 years old at his death.

**Bentinck, Lady Jemima, and Antoinette;** ages 70 & 52.—£. 233.

Widow and daughter of the late General Bentinck, who is stated to have suffered considerable losses in his efforts to raise a regiment for the British service on the Continent.

**Biron, De Gontaut, Josephine, Charlotte Sabina;** ages 42 each.—£. 159.

Although this pension is but incidentally connected with the naval or military service, it is considered that it may be classed most appropriately under this head. The circumstances which led to this pension are peculiar and most interesting. The ladies who are now entitled to receive this pension are the nieces of the late Mareschal Duc de Biron. At the beginning of the American war, Lord Rodney, being at Paris, was unable to quit that city in consequence of debts which he had contracted. Under these circumstances the late Mareschal Duc de Biron voluntarily came forward and advanced a sufficient sum to discharge those engagements, and set Lord Rodney free; feeling, as was stated, "a loyal indignation that any individuals of the French nation should seem to take advantage of the absence of one of their adversaries' best and most valiant commanders in consequence of the circumstances in which he was unfortunately placed." Lord Rodney returned to London and was appointed commander-in-chief on the Leeward Islands station in 1779. It is stated, in the life of Lord Rodney, that after the victory of the 12th of April, the population of Paris exhibited the utmost resentment and indignation against the Mareschal Duc de Biron, vehemently reproaching him for having brought the calamity upon his country, and even proceeding to threats of personal violence; to which the Mareschal replied, that he gloried in the man whose liberty he had effected, and in the victory which he had so nobly won. Many years afterwards, the nieces of the Duc de Biron being at Windsor,

## NAVAL AND MILITARY SERVICES.

his late Majesty, King George the Third, commanded that they should be introduced to him, and personally conferred this pension upon them, wishing, as he stated, by such means, to pay the debt of gratitude which England owed to the family of the Mareschal Duc de Biron.

*Blackwood, Harriet*; age 70.—£. 206 four-and-a-half per cent. duties.

Daughter of Lieutenant-colonel Gars. This pension was granted in reward of his long and active services in the army, from which he had totally lost his health in consequence of a wound. This lady is the widow of Vice-admiral Sir Henry Blackwood, who served in the navy upwards of 52 years, as appears by the following return:—

“ Vice-admiral, the Honourable Sir Henry Blackwood, Bart. K.C.B.							
Vice-admiral	-	-	-	-	-	-	27 May 1825.
Rear-admiral	-	-	-	-	-	-	4 June 1814.
Captain	-	-	-	-	-	-	2 June 1795.
Commander	-	-	-	-	-	-	6 July 1794.
Lieutenant	-	-	-	-	-	-	3 Nov. 1790.

In 1790, was original midshipman of the Queen Charlotte, bearing the flag of Lord Howe.

Was senior lieutenant of the Invincible, 74, in the action of 1 June 1794, and took possession of La Juste, a French 84-gun ship.

In 1794, was promoted to the rank of commander, and appointed to the Megara, fire-vessel.

In 1795, was promoted to the rank of captain, and commanded the Nonruck, 64 guns.

In 1796, was appointed to the Brilliant, a small frigate, in which, after compelling a Spanish ship of superior force to seek refuge under the batteries at Teneriffe, he sustained an action with two French 44-gun frigates, and succeeded in effecting his escape. Soon after this event he removed into the Penelope of 36 guns, and joined the fleet under Lord Nelson, and was employed in the blockade of Malta, and in watching the Guillaume Tell, a French 86-gun ship; this ship having quitted the harbour, the Penelope followed and attacked her, in consequence of which she was ultimately captured by the Lion and Foudroyant.

In 1801 the Sicilian order of St. Ferdinand and Merit was conferred on him; and he served with distinction under Lord Keith in the expedition against Egypt.

In 1803, commanded the Euryalus under Lords Gardner, Keith and Nelson, and distinguished himself by his activity and ability.

In 1805, commanded the Euryalus in the battle of Trafalgar.

In 1806, was appointed to the Ajax, 80 guns, and accompanied Sir John Duckworth in the expedition against Constantinople. The Ajax having been burned, Captain Blackwood served as a volunteer in the Royal George during the remainder of the operations of the squadron. In 1807, was appointed to the Warspite, and in 1810 commanded the in-shore squadron of three sail of the line, &c. off Toulon, and attacked a French squadron of six sail of the line, and prevented the capture of an English frigate and brig, and for which he received the thanks of the commander-in-chief.

In 1813, captured three American letters of marque and several merchant vessels.

In 1814, was appointed captain of the fleet under his late Majesty, then admiral of the fleet, who hoisted his flag in the Impregnable; was promoted to the rank of Rear-admiral, and created a baronet.

In 1819, was nominated a knight-commander of the Bath, and appointed commander-in-chief in the East India station, and returned in 1822.

In 1825, was promoted to the rank of vice-admiral.

In 1827, was appointed commander-in-chief of the Chatham station, which he held for three years, and died in 1832.”

*Blundell, Elizabeth*; age 70.—£.43.

Widow of an officer in the royal garrison battalion.

*Bowen, Caroline, Cordelia and Amelia*; ages 50, 50 & 48—£. 88.

This case is one of a mixed character, being connected with civil as well as with military duties; the pension was granted in consideration of military services and wounds in the first American war, and of several years of approved service of the father of the parties in civil offices in Ireland. He filled the office of first clerk of the comptroller of stamp duties in Ireland.

*Bookey, Thomas Truelock*; age 58.—£.35. *William Truelock*; age 58.—£.35.—£. 70.

This pension was granted so long back as the year 1786. The parties state (and their statement is confirmed from the records of the Ordnance), that their grandfather held an office under the Ordnance. They add, that on his retirement a pension was offered to him, but he declined it, in consideration of the grant of these allowances.

*Boys, Jane Hartley*; age 64.—£. 100.

Widow of Mr. Boys, deputy-paymaster to the forces, who sailed for Cadiz in 1808 with the rank of lieutenant-colonel; soon after his arrival he was ordered to take charge of the extensive army-money transactions. During his stay in the Peninsula 57,000,000 £. sterling passed through his hands. Many years elapsed before his accounts were closed, but the conclusion was perfectly satisfactory. In the same year he died, worn out with labour and fatigue.

*Brereton*,

*Brereton, Mary*; age 89.—£. 40.

Neice of Captain Brereton, of the royal Navy, who served for 12 years without intermission in the East Indies; he was at the reduction of Manilla, and was appointed commander-in-chief of the squadron left to defend it, and governor of the fort of Cavatta. He advanced claims for payment of certain expenses incurred in his command. At his decease this pension was granted.

*Brown, Frederick* and *Ellen*; ages 27 & 21.—£. 94.

The sons of an officer in the Army; several others of the male branches of the family had also been engaged in the military service; the great-grandfather of the parties having come over from Hanover, and having served in the Oxford Blues to the time of his death.

*Bruce, Clementina*, and *Davis, Charlotte*; ages 52 & 48.—£. 276.

Daughters of Major-general Dundas, who fell a victim to the climate of Guadaloupe during the war; a monument to his memory at St. Paul's was voted by The House of Commons, and the above pension was granted to his widow and her six infant daughters, with survivorship; all are now dead but two of the daughters.

*Buck, Anthony*; age 32.—£. 30.

One of Captain Ross's seamen; the severity of his sufferings in the voyage to the North Pole brought on epilepsy, accompanied by total blindness; this pension was consequently granted.

*Cameron, Jane*; age 28.—£. 43.

This pension is partly connected with military and partly with civil service. The pensioner's father, Captain D. Cameron, served during the whole period that the Scotch fencibles were embodied; he was afterwards appointed tide-surveyor at Galway, and was drowned when in the discharge of his duty.

*Cameron, Eliza*; age 62.—£. 100.

Widow of Colonel Cameron, a distinguished officer, who was present at almost every remarkable engagement fought by the British troops during a period of 25 years, except Waterloo. He owed his illness and ultimate mental suffering to a wound which he received on the head, in 1813, at St. Sebastian, when he attacked and captured the island of Santa Clara.

*Campbell, Eliza Maria*; age .—£. 389.

The widow of Captain Campbell, R. N., who entered and rose to the rank of admiral in the Portuguese service. He is stated to have given very valuable information to Admiral Sir John Jervis immediately before the battle of St. Vincent.

*Campbell, Amelia*; age 62.—£. 184.

This lady had three brothers in the Army and Navy; all are dead, one fell in battle.

*Campbell, Mary*; age .—£. 184.

The survivor of four sisters of Lieutenant-colonel J. Campbell, killed in action at Martinique. His services are acknowledged and recorded in the despatches of Sir Charles Grey, as will appear from the following extract:—

EXTRACT from the London Gazette Extraordinary, 17 April 1794.

DESPATCH from General Sir Charles Grey, K. B., to Mr. Secretary Dundas,  
dated Martinique, 16 March 1794.

" As the bay and harbour of Port Royal had been completely open to our shipping by the capture of Pigeon Island, I moved forward with the troops from Riviere Salée to the post of Bruneau, and joined Lieutenant-general Prescott the 14th; and, having previously concerted the attack of the town of St. Pierre, with Major-general Dundas, he marched the same evening on that enterprise, with the 2d battalion of grenadiers, the 33d and 40th light companies and the 65th regiment, to Gras Morne, from whence he detached Colonel Campbell through the woods by Bois le Duc with the two light companies and 65th regiment to reach Montigné; on the morning of the 17th, proceeding himself towards the heights of Capotte and Calebosse, they were evacuated by the enemy; and from the latter he saw Colonel Campbell at Port-au-Pin, half a mile short of Montigné, attacked in great force and under a heavy fire from five or six hundred of the enemy, strongly posted; the major-general pushed forward his advanced guard, consisting of 63 men, under the command of the Honourable Captain Ramsay, of the Queen's, who, gaining the summit by extraordinary exertions, fired on the enemy who were engaged with Colonel Campbell, and silenced their fire; and, when joined by the 2d battalion of grenadiers, the detachment of the Queen's took possession of Montigné, where it was reinforced with two companies of grenadiers; taking part himself on Morne Range, and then visiting Colonel Campbell's column, found he had been attacked at half-past nine o'clock in the morning, and the enemy, being within 20 yards of the 40th light company, had charged them with bayonets, at the head of it when he was killed, and in him his Majesty's service loses a most excellent officer and a valuable man, justly lamented by the whole Army and Navy."

The youngest brother of this lady died in the Navy, and a third was, at the period of Colonel Campbell's death, a prisoner of war at Toulon.

*Campbell, Patrick Scott*; age 27.—£. 70.

Whilst Lieutenant Campbell was superintending the disembarkation of troops at Kingston, in Jamaica, he suffered a most distressing accident by the accidental discharge of a gun. The injury he underwent was not, however, of a character to come within the Ordnance regulations for the grant of pensions, which are limited to cases of losses of limb; this civil list pension was in consequence granted. He is the son of Colonel Campbell of the royal artillery, who lost three sons in the service of the Crown.

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*Carey, Charlotte*; age 68.—£. 52.

Daughter of a captain of marines, who served during the American war, and was present with Lord Rodney in every engagement; in one of them he lost an eye, and was severely wounded by an explosion. He served on land, and was present at the battle of Bunker's Hill.

*Carey, Lavinia Matilda*, and *Amelia Sophia*; ages 67 & .—£. 162.

Daughters of the late Honourable General Carey, who fell while commanding the troops in the West Indies. The following letter was laid before the Committee on the part of the first of these ladies:—

Sir,

Vienna, January 11, 1838.

LIVING, on account of the smallness of my income, in the most retired manner at the above place, I have nothing to offer in justification of the liberty I take in addressing you but the information I have received through the medium of the newspapers, that all of that despised and degraded class called pensioners are desired to send to you, Sir, as Chancellor of the Exchequer, an account of their several claims to the pensions they have hitherto received. Taking it then for granted that I am rightly informed, I beg your patience to the enforced recital. My father, the Honourable General Lucius Ferdinand Carey, commanded at the taking of the Island of St. Lucia from the French, in the year 1780, and died of his wounds on the day of its capture.

The pension which was granted to his daughters was not obtained through the favour of any minister, but was given by the voice of Parliament, and the consent of our ever respected sovereign George the Third; it consisted of 80*l.* each, and was bestowed as some small remuneration for the incalculable evils which fell upon a family of infant daughters by the loss of a father just as he became able to provide for them; by the loss of a father's protection and all the comforts of a father's house: nor did the wide-spreading evil end here; the neglected, almost as if (by high and rich connexions) unacknowledged, children, in process of time became patronless young women without friends, protector or introduction; and, to make the measure of their affliction quite full, were deprived of their rank as viscount's daughters, by the premature death of their parent, and left to wander about the world in helpless degradation, and something nearly allied to want. I must not, however, suffer this melancholy enumeration to make me forget that which I must ever remember with gratitude, viz. that this pension which in these dear times furnishes me with little more than daily bread, and obliges me, to obtain that, to live in banishment, was yet the means of procuring me that religious and solid education adapted to my fortunes, which has enabled me to bear up against all the sorrows of them. I have indeed enjoyed it long, perhaps the gentlemen of the Committee will think too long; but that has been the will of God, and not my fault; and it is true that, as it is my only resource, I should be glad to retain it, if I can be allowed so to do with honour and without reproach, and to receive it with that dignified thankfulness with which the daughter of an usefully brave British officer may accept a national testimony of her father's deserts; but if this cannot be, and his services are considered as having been long remunerated, why then, Sir, I can cheerfully resign that which I shall hope may lessen the distress of some younger and weaker child of affliction; and being, by God's blessing, able, both in body and mind, to seek my own subsistence in the education of the children of some more fortunate family, as I was obliged to do in Mr. Pitt's time, when the pensions were at times four, five or six quarters in arrears, I may, perhaps, find an answer to the quarterly question of my mind, whether such wages as I should then receive for my honest service were not more honourable than the degrading reception of a pension so grudgingly bestowed. Leaving this weighty matter, under your sanction, in the hands and choice of the gentlemen of the Committee, I beg leave to subscribe myself,

Sir, your obedient humble servant,

Address,  
Mrs. Carey Mortimer,  
at Messrs. Coutts', Strand.

*Lavinia Matilda Carey Mortimer*,  
aged 67.

*Carmarthen*, Marchioness of ; age .—£. 300; with a reversion to Lady Wellesley.

This pension was granted in consequence of the services of the late Sir Felton Harvey, as stated in the following memorandum:—

"Colonel Sir Felton Bathurst Hervey, Bart., entered the Army in May 1800, and went out with the 14th light dragoons to Portugal, as major, in 1808; commanded a squadron at the passage of the Douro, in May 1809, and lost an arm on that occasion.

Rejoined his regiment immediately upon his recovery, and continued with it until the end of the war, commanding the regiment in all the battles and actions which were fought in the several campaigns, and distinguishing himself upon every opportunity.

Served as assistant quarter-master-general at the battle of Waterloo, and held the appointment of military secretary to the Duke of Wellington from that day to the day the army of occupation was withdrawn from France, when he was appointed secretary to the master-general of the Ordnance.

He died a few months after."

This pension is now resigned, and the reversionary interest of Lady Wellesley is limited to the contingency that she shall survive the Marquis of Wellesley.

*Caran*,

*Cavan, Countess of*; age 53.—£. 266.

Widow of the late general the Earl of Cavan, who had served at home and abroad, more especially in Egypt. This pension was granted, not only on account of the confined circumstances, but of the military services of the Earl of Cavan.

*Chisholm, Margaret*; age 73.—£. 72.

Sister of an officer who died in service.

*Christie, Margaret and Helen*; ages 68 & 66.—£. 48.

Daughters of an officer; six of their brothers also served, and one was killed in battle.

*Clarina, Lady*; age 59.—£. 410.

Widow of Major-general Lord Clarina, who died in January 1810, of the yellow fever, when on service in the West Indies; his father, the first Lord Clarina, was upwards of 60 years in the Army, during which time he had served in all climates.

*Clarkson, Elizabeth Close*; age 55.—£. 40.

Daughter of the Rev. J. Wilcocke, pastor of the English church at Middleburg, Walcheren. When the French besieged Ostend, the military hospitals were crowded, and Mr. Wilcocke erected, chiefly at his own expense, a temporary hospital, where he attended gratis, having some knowledge of medicine. This made him obnoxious to the French authorities; he was obliged to fly, and lost his property. This pension to his daughter was granted in consequence.

*Clive, Mary Ann*; age 49.—£. 81.

Daughter of Vice-admiral Kelly, who served for 50 years, and died of a wound received in India. This pension was originally granted for the joint lives of his widow and daughter, but the former is now dead. His services are detailed in the following memorandum:—

“Vice-admiral William Hancock Kelly.

Vice-admiral	-	-	-	-	-	-	-	31 July 1810.
Rear-admiral	-	-	-	-	-	-	-	9 November 1805.
Captain	-	-	-	-	-	-	-	8 August 1783.
Commander	-	-	-	-	-	-	-	7 April 1782.
Lieutenant	-	-	-	-	-	-	-	16 May 1776.

In 1776, was promoted to be lieutenant of the Hope.

In 1779, was lieutenant of the Sultan.

In 1782, was promoted to the rank of commander, and appointed to the Blast fire-ship.

In 1783, was promoted to the rank of captain, and appointed to the Adamant.

In 1793, was captain of the Solebay.

In 1797, was captain of the Juste, and shortly after joined the Veteran, in which he remained but a few months, and then commanded the Gibraltar, in which he continued till March 1803.

He died in 1811.”

*Cochrane, Dame Maria*; age 70.—£. 384.

Widow of the late Admiral Sir Alexander Inglis Cochrane, who received the thanks of Parliament. His professional services are stated in the following memorandum:—

“The Honourable Sir Alexander Inglis Cochrane.

Lieutenant	-	-	-	-	-	-	-	19 May 1778.
Commander	-	-	-	-	-	-	-	6 December 1780.
Captain	-	-	-	-	-	-	-	17 December 1782.
Rear-admiral	-	-	-	-	-	-	-	23 April 1804.
Vice-admiral	-	-	-	-	-	-	-	25 October 1809.
Admiral	-	-	-	-	-	-	-	12 August 1819.

Served as signal officer to Sir George B. Rodney in the action with M. de Guishen, April 1780, on which occasion he was wounded.

In 1793, commanded the Hind, a small frigate, in which he captured several French privateers.

In 1795, commanded the Thetis, and, in company with the Hassar, was engaged with a French squadron of five frigates armed *en flute*, three of which hauled down their colours, two were taken possession of, the others escaped.

In 1800, commanded the Ajax, one of the ships employed in the expedition against Quiberon, Belleisle and Ferrol.

In 1801, superintended the landing of the troops under Sir R. Abercrombie in Egypt, and at the attack on Alexandria commanded a detachment of armed vessels to cover the approach of the troops, and his vigilance, activity and judicious conduct during the whole of the campaign in Egypt called for the most honourable mention in the despatches of Lord Keith and General Hutchinson.

In 1805 he proceeded with a squadron of six sail of the line in pursuit of a French squadron, which, however, he did not fall in with, and subsequently was appointed to the chief command of the Leeward Island station.

In 1806, was second in command of the squadron under Sir J. Duckworth in the action off San Domingo, in which five French line-of-battle ships were taken or destroyed, for which he received the thanks of both Houses of Parliament, and was created a knight of the Bath.

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In 1807, in concert with General Bowyer, adopted measures for the reduction of the Danish islands of St. Thomas, St. John, St. Croix, the whole of which, together with a large fleet of merchant vessels, were taken possession of.

In 1808, the French islands of Mariegalante and Deseada surrendered to a part of his squadron.

In 1809, commanded the naval force at the capture of the island of Martinique, on which occasion he again received the thanks of both Houses of Parliament.

An attack was then made on the Saintes, strongly fortified islands, with three sail of the line, and two frigates lying within them; the Saintes were captured, and also one of the line-of-battle ships.

In 1810, co-operated with Sir George Beckwith in the reduction of the island of Guadaloupe, which was quickly followed by the surrender of the Dutch islands of St. Martin, St. Eustatia and Saba.

As a reward for these important services, he was in 1810 appointed governor and commander-in-chief of the island of Guadaloupe.

In 1813 he was appointed commander-in-chief of the fleet employed on the coast of North America, where, on his arrival, he commenced a system of operations of the most vigorous description, by which he put a stop to the trade of the United States, and during which Washington was destroyed, Baltimore and New Orleans were attacked, and various other important services performed by the various branches of the forces under his orders, and returned to England in 1815.

In 1821 he was appointed commander-in-chief on the Plymouth station, and held the appointment until March 1824."

*Cockburn, Dame Mary*; age 53.—£. 680. *Cockburn, Augusta H. M.*; age 25.—£. 200.

Wife and daughter of Admiral Sir George Cockburn, G.C.B., in consideration of whose services these pensions were granted. The following memorandum will show the services of Sir George Cockburn:—

"The Right honourable Sir George Cockburn.

Lieutenant	-	-	-	-	-	-	-	27 January 1793.
Commander	-	-	-	-	-	-	-	11 October 1793.
Captain	-	-	-	-	-	-	-	20 February 1794.
Rear-admiral	-	-	-	-	-	-	-	12 August 1812.
Vice-admiral	-	-	-	-	-	-	-	12 August 1819.
Admiral	-	-	-	-	-	-	-	10 January 1837.

At the commencement of the war with France, proceeded in the Britannia, with Vice-admiral Hotham, and was promoted to be commander of the Speedy, in October 1793.

In 1795, in command of the Meleager, was present at the capture of the Ca Ira and Censeur, two French line of battle ships, off Gourjon Bay.

Employed in the squadron under the orders of Commodore Nelson, in co-operation with the Austrian and Piedmontese armies, and led an attack on six vessels laden with stores, &c. for the seige of Mantua, which were driven under the batteries; the fire of the batteries was silenced, and the whole of the enemy's vessels captured, and for which he received high commendation from the commodore.

In 1796, commanded the Minerve, bearing Commodore Nelson's broad pendant, and in company with the Blanche fell in with and captured the Sabina and Ceres, two Spanish frigates.

In 1797, commanded the Minerve in the battle of St. Vincent, and was subsequently employed in the Mediterranean.

In 1801, employed in the squadron under Captain Halstead, off Elba, and assisted in the capture of the Success, and the destruction of La Bravoure, French frigates.

In 1803, commanded the Phaeton, and subsequently the Howe, Captain, Aboukir and Pompée ships of the line.

In 1809, commanded the Pompée at the capture of Martinique, on which occasion he held the temporary rank of commodore, given by Sir Alexander Cochrane, who intrusted to him all the naval arrangements on shore, for which service he, with the other captains, received the thanks of both Houses of Parliament.

Commanded the Belleisle, in the Scheldt expedition, and took the command of a division of gun vessels, which, under his directions, bombarded the town of Flushing, until it surrendered.

Was selected, together with the adjutant-general of the Army, to draw up the terms of capitulation.

Commanded the Implacable, under the orders of Sir Richard Keats, at Cadiz, and proceeded to North America with the rank of commodore.

In 1811, was appointed a colonel in the royal marines; in August promoted to rear-admiral, and soon after hoisted his flag in the Marlborough, and proceeded to North America to join Sir J. B. Warren.

In 1813, commenced a desultory warfare on the southern part of the United States, attacking the towns, &c. up the rivers in Chesapeake bay; assisted at the action at Hampton, in conjunction with the Army under Sir J. Beckwith, and took possession of the islands of Ocracoke and Portsmouth, on the coast of North Carolina, by which a stop was put to the inland trade, and captured a brig of war.

Commanded

Commanded the armed boats and vessels in the action with Commodore Barney ; the enemy was totally routed, and the commodore taken prisoner ; co-operated with the Army in the attack upon Washington, and also of that upon Baltimore.

During the remainder of the war, was incessantly employed in the most active and successful operations against the enemy.

In January 1815, was created a knight-commander of the Bath.

In July 1815, was appointed commander-in-chief at the Cape of Good Hope and St. Helena, and conveyed Napoleon Buonaparte, in the Bellerophon, his flag-ship, to that island, and made all the arrangements for Napoleon's residence there. He afterwards returned to England in the early part of 1816.

In February 1818, was created a knight grand cross of the Bath, and in April following was appointed senior naval lord of the Admiralty, which office he held till November 1830.

In 1821, was appointed a major-general of marines.

In 1832, was appointed commander-in-chief on the North America and West India station, and returned to England in 1836.

His name is mentioned 25 times in the Gazette, between the years 1796 and 1815, as having performed distinguished services during the war.

*Congreve, Dame Isabella*; age 36.—£. 311.

This pension was granted for the services of her late husband, Sir William Congreve. The enclosed letter, addressed by Sir Alexander Dickson to the master-general of the Ordnance, will state the opinion of a most distinguished officer, in relation to the services rendered to the Army by the husband of the lady who now receives this pension :—

Sir,

Woolwich, 7 March 1838.

In answer to your letter, desiring me to afford the information required by the Chancellor of the Exchequer, respecting the late Sir William Congreve, Bart., I beg to state that Sir William never held any commission in the royal artillery; but his father, Lieutenant-general Sir William Congreve, the first baronet, was a very distinguished officer of the corps, and for many years was comptroller of the Royal Laboratory at Woolwich.

The late Sir William Congreve was a highly-educated and ingenious person; and having particularly directed his attention to military objects, he conceived the idea of rendering rockets, that hitherto in Europe had only been used in fireworks and for signals, important weapons for military annoyance; and, after a series of trials, he was successful in bringing his invention to such perfection as to produce from it a powerful auxiliary in warfare, and of considerable value both in attack and defence.

Sir William Congreve, in reward for this improvement, had a liberal pension bestowed upon him; and his exertions and ingenuity were so highly appreciated by the late Lord Mulgrave, when master-general, that he offered Sir William to procure him the rank of lieutenant-colonel in the royal artillery, which he generously declined, on the plea that it would place him over many officers of the corps, and disturb the intimate terms of friendship he had always been on with them. When his father died, however, in 1814, and he came to his title, he was at the same time appointed his successor in the civil situation of comptroller of the Royal Laboratory, in which employment he continued till his death in 1828, and during that time he made many improvements, but in particular that for the better arrangement of powder on board of Her Majesty's ships of war, for which he invented and organized a system highly conducive to safety and economy, both in the preservation and consumption of powder, as well as affording the power of increased celerity in action; and for this alone I consider the country highly indebted to him.

On the whole, I am of opinion Sir William Congreve was a most valuable public servant; and that any provision which may have been granted to his widow and children was fully due to his worth.

*A. Dickson, D. A. General.*

*Cooper, Helen*; age .—£. 44.

Granted in trust for herself and two sisters, in consideration of the death of their brother. He was an officer of the royal artillery, and was drowned by the upsetting of a boat, while he was engaged on a survey of the River St. John's, Newfoundland. A general order was issued on the occasion of his death, marking the sense entertained of his services, and of the regret felt at his premature death.

*Cunningham, Jane, Margery, and Lavinia*; ages & .—£. 97.

Daughters of the late Major-general Cunningham, who entered the British Army in July 1793, as lieutenant-colonel in the Scotch brigade, and died in the year 1803.

*Currie, Jane*; age .—£. 39.

Sister of four officers who died on service; three fell on the field of battle; her brother-in-law and four nephews also fell in action.

*Cuthbertson, Olivia, Juliana and Catherine*; ages 82, 68 & 67.—£. 126.

Their father served 25 years in the 5th regiment of foot. Leaving the regular Army in consequence of bad health, he entered the militia; disorganization approaching to mutiny having taken place, his energy and example brought the corps back to their duty. This pension was granted in consequence.

*Dalrymple, Margaret*; age 77.—£. 49.

Three brothers served in the Army, one of whom fell a victim to the discharge of his duty.

## NAVAL AND MILITARY SERVICES.

*Dawson, Lady Anna Maria*; age 43.—£.200 four-and-a-half per cents.

Daughter of the late Lord Portarlington, who lost his life in consequence of service in the field in 1798, he being subject to asthma. The pensions granted to each of the two other daughters of Lord Portarlington, Lady Caroline Parnell and Lady Louisa Bromley, to a similar amount, have been resigned by those ladies.

*Bailleul De, L.*; age 52.—£.142.

Daughter of the late General Jarry, who, being about to return to France to recover some part of the wreck of his property, was requested by his late Majesty King George the Third to remain in England, and accept the office of inspector-general of the military college; the proposal was agreed to, and this pension, with another, was granted in consequence.

*De Vries, Elizabeth*; age 80.—£.80.

Widow of an army surgeon, who served with the troops in Zealand, where he distinguished himself in the service of the hospitals. This pension was granted in consideration of his merits.

*Douglas, Dame Ann*; age 55.—£.300.

Wife of Sir Howard Douglas, who formerly held the situation of inspector-general of instruction at Woolwich. This office was abolished, and the Treasury granted to Sir Howard, as compensation, an allowance of 500*l.* a year for his own life, to be suspended whenever he held an office of emolument which exceeded 800*l.* a year, and the above pension to Lady Douglas, subject to no condition of suspension. The pension of Sir Howard Douglas has been suspended almost ever since. Sir Howard Douglas has served for 44 years in the royal artillery, and on the staff in Portugal and Spain in 1808; at Corunna in January 1809; as assistant quarter-master-general at Walcheren, and at the siege of Flushing, and all the other operations there; as major-general on the staff in New Brunswick in September 1823, and in the Ionian Islands in March 1825. He is now lord commissioner of the Ionian Islands.

*Dundas, Dame Charlotte*; age 79.—£.780.

Widow of General Sir David Dundas, commander-in-chief in the King's service; when he resigned the office of commander-in-chief, the Prince Regent offered him a pension, which he declined; his Royal Highness then offered him a reversionary pension for his widow in the event of her surviving him; this was accepted; he died in 1820, when this pension became payable; General Sir David Dundas was a very distinguished officer, and served, in most parts of the world, 66 years in the Army; commander-in-chief of all his Majesty's forces from March 1809 to May 1811; a more particular account of his services is contained in the following memorandum:—

“Sir David Dundas.

Second Lieut., Royal Artillery	-	-	-	1 March 1755.
Lieutenant, 56th Foot	-	-	-	3 Jan. 1756.
Captain, 15th Light Dragoons	-	-	-	21 March 1759.
Major, 15th Light Dragoons	-	-	-	28 May 1770.
Brevet Lieut.-colonel	-	-	-	11 Sept. 1775.
Lieut.-colonel, 12th Light Dragoons	-	-	-	22 Sept. 1775.
Brevet Colonel	-	-	-	14 Feb. 1782.
Major-general	-	-	-	28 April 1790.
Colonel, 22d Foot	-	-	-	2 April 1791.
7th Light Dragoons	-	-	-	23 Dec. 1795.
Lieut.-general	-	-	-	26 Jan. 1797.
Colonel, 2d Dragoons	-	-	-	16 May 1801.
General	-	-	-	29 April 1802.
Colonel-in-chief, Rifle Brigade	-	-	-	31 August 1809.
Colonel, 1st Dragoon Guards	-	-	-	27 January 1813.

There is no detailed record of Sir David Dundas's services; the form that was circulated to obtain such a detail was issued by Sir David himself when he was commander-in-chief; but it is known that, in addition to the regimental service above given, Sir David Dundas was quarter-master-general in Ireland, in 1780; lieut.-general with local rank on the Continent; quarter-master-general in England, 1796; and commander-in-chief from May 1809 to 1811."

*Elphinstone, Elizabeth Mackenzie and Keith*; ages 72 & 68.—£.276.

Nieces of the late Admiral Elphinstone Viscount Keith, who commanded the fleet in the Egyptian campaign, whilst Sir Ralph Abercrombie and Lord Hutchinson commanded the land forces; to the widow of the former and to the latter pensions of 2,000*l.* a year for three lives were granted; a similar pension was offered to Lord Keith; he declined it, requesting, however, that some pension should be made for his nieces. The services of Lord Keith will appear from the following memorandum:—

“Admiral the Right honourable Lord Viscount Keith, G.C.B.

Admiral	-	-	-	-	1 January 1801.
Vice-admiral	-	-	-	-	1 June 1795.
Rear-admiral	-	-	-	-	12 April 1794.
Captain	-	-	-	-	11 March 1775.
Commander	-	-	-	-	18 Sept. 1772.
Lieutenant	-	-	-	-	28 June 1770.

Entered the Navy in 1762.

Having

Having served in the junior ranks, in 1772 was promoted to the rank of commander.

In 1775, was promoted to the rank of captain ; commanded the Perseus of 30 guns, employed on the coast of North America, under Lord Howe and Admiral Arbuthnot. At the reduction of Charlestown, he commanded a detachment of seamen on shore.

In 1777, was present in the attack on Mud Island.

In 1781, while commanding the Warwick, 50-gun ship, captured the Rottendam, a Dutch 50-gun ship.

His late Majesty served as midshipman in the Warwick, under Lord Keith.

In 1792, in company with the Lion, Vestal and Bonetta, captured L'Aigle, French frigate of 40 guns and 600 men ; La Sophie, 22 guns ; re-captured the Terrier sloop of war, and destroyed two brigs.

In 1793, commanded the Robust, 74 guns ; and, under his directions, the troops were landed at Toulon, when Lord Hood took possession of that place, and was most actively employed in all the operations on that coast.

In 1794, was promoted to the rank of rear-admiral, and employed in the Channel fleet.

Was created a knight of the Bath for his services.

In 1795, commanded the naval forces at the reduction of the Cape of Good Hope ; proceeded to the East Indies, and took possession of the islands of Ceylon, Cochin, Malacca and the Molaccas.

Was promoted to the rank of vice-admiral.

In 1796, the Dutch fleet in the East Indies surrendered to him.

In 1797, returned to England, and was created a baronet ; superintended the naval preparations against the mutineers at the Nore.

In 1798, was second in command of the Mediterranean fleet, under Lord St. Vincent.

In 1799, succeeded Lord St. Vincent in the command of the above fleet, and endeavoured to bring on an action with a French fleet of much superior force, which however the enemy declined.

In 1800, Genoa and the island of Malta were taken.

In 1801, was promoted to the rank of admiral, and commanded the naval forces employed against the French in Egypt, and for his distinguished services was created a baron of the United Kingdom ; received the thanks of both Houses of Parliament.

Was created a knight of the Turkish order of the Crescent.

In 1803, was appointed commander-in-chief of the fleet in the eastern part of the Channel and North Sea, and which he held till 1807.

In 1812, was appointed commander-in-chief of the Channel fleet, which he held till the conclusion of the war ; and during which, from the judicious arrangements which he made, the person of Buonaparte was secured.

In 1814, was created a viscount of the United Kingdom.

Died in 1823."

*Emmerick, Hester Saxby* ; age 77.—£. 40.

Widow of the late Colonel Emmerick, who had served in the Prussian and in the British service, and who lost his life in the continental wars.

*Farmer, Sir George Richard* ; age 49.—£. 185.

At the time this pension was granted, he laboured under impaired sight and general debility, having lost the use of his limbs in consequence of exposure to the weather in the retreat in 1812, on which occasion, being disabled by ague and dysentery, he was taken prisoner ; a case like this is not provided for under the army regulations for the grant of pensions.

*Farquharson, Margaret Euphemia* ; age .—£. 49.

Widow of a captain in the Army, at whose death she was left with three infant children unprovided for.

*Finucane, Emma* ; age 40.—£. 88.

Sister of an officer who fell at the battle of Salamanca.

*Fitter, Jane* ; age 55.—£. 43.

Daughter of Colonel Fitter, an old officer whose health had suffered severely in foreign climates.

*Fleming, Jean, Elizabeth and Catherine* ; ages 49, 55 & 53.—£. 147.

Daughters of an officer who served in the Army for many years ; was afterwards colonel of a volunteer regiment, and an active magistrate in troublesome times.

*Francillon, Sarah ; Calvert, Diana Anne Anstie* ; and *Webber, Mary* ; ages 83, 68 & .—£. 63.

Sisters of Major Pierson, who fell in defence of Jersey. As showing the value of his services, the following extract is subjoined :—

EXTRACT of a letter from the Lieutenant-governor of Jersey to the Secretary of State dated 7 January 1781 :—

" MAJOR PIERSON, of the 95th, who was nobly exerting himself in support of those British sentiments of the troops which he had conveyed to the French general, was killed at the very moment of victory. He is a serious loss in every sense, and is lamented by every officer and soldier both of the regulars and militia."

EXTRACT of return of killed and wounded of his Majesty's 95th regiment in the engagement in the island of Jersey, on the 6th January 1781.

" MAJOR FRANCIS PIERSON, killed."

**EXTRACT** of a letter from Captain Mulcaster, chief engineer, Jersey, to the Secretary of State, dated Jersey, 10th November 1781.

"THE consequences which have followed are, that Major Pierson's father, in recompense for the loss of an excellent son, has, by his Majesty's gracious favour, a pension of £. 250 per annum."

*Fraser, William*; age .—£. 97.

The father and grandfather of the pensioner were both officers in the Army, the former was wounded in the campaigns in Germany; the latter served in the American war until obliged to quit the Army from bad health; the party himself served under the Duke of Wellington in the Peninsula, and was severely wounded.

*Freemantle, Georgiana and Albinia*; ages 49 & 41.—£. 86.

Daughters of Colonel Freemantle, who died while commanding the 39th regiment in the West Indies. Colonel Freemantle was, for many years, deputy-adjutant-general in Ireland; in the early part of the war he resigned his staff appointment and purchased his lieutenant-colonelcy for 6,000*l.*, which, by his premature death, was lost to his family. A pension of 43*l.* was also granted to Mrs. Butler Danvers, sister to these ladies, which the Committee are of opinion should be suspended during the life of her husband.

*Fullarton, Marion*; age .—£. 97.

Widow of a military officer who had raised three regiments of the line; two of infantry and one of cavalry.

*Fullarton, Margaret*; age 54.—£. 60.

Sister of the late Lieutenant-colonel Fullarton, c. b., who served during the Kandian war in 1803, 1804 and 1805; went to Spain in 1808; present at Corunna and Barossa; served in Holland in 1813; commanded his regiment at Waterloo during the greater part of the day, and was severely wounded at the close of the battle; sent in command of his regiment to Nova Scotia, where he died in March 1834; immediately before his death had written home to sell his commission, and provide thereby for his family; the packet conveying his letter was lost, and the succeeding packet announced his death.

*Goddard, Louisa*; age 21.—£. 40.

Daughter of Captain Goddard, who served throughout the Peninsular war, having been wounded at Badajoz; he was afterwards barrack-master at Gibraltar, and deputy barrack-master in Nova Scotia, where he died at the age of 40, from the sudden change of climate.

*Gordon, Sir George*; age 73.—£. 138.

His father passed his life in the Army, and much of it on active service, till a constitution, broken down with wounds and hardships, compelled him to retire. The elder brother of this party fell at Seringapatam.

*Gordon, George Hamilton*; age 49.—£. 155.

Served for many years in the West Indies; commanded at Curaçoa; on his passage to England he defended the vessel in which he sailed with such ability as to repulse a superior force, and he received from the merchants of Liverpool their thanks at a public dinner; obtained the first prizes and places at the Royal Military College of Weiombé; joined the Catalonian army in Spain as assistant quarter-master-general, and accompanied the Duke of Orleans to France in the capacity of aid-de-camp; acted as quarter-master-general in the Mediterranean; at the occupation of Naples and Genoa; and was employed on a special mission to the court of Naples.

*Gordon, Harriett*; age .—£. 97.

Daughter of a post-captain of many years' standing; when he was appointed to the command of the impress service at Leith, which office he filled for many years, receiving on one occasion the thanks of the Admiralty for the large sums he had saved to the Government. This lady was left a widow with three daughters.

*Gosset, Elizabeth L. and Gertrude M.*; ages 26 & 23.—£. 192. *Ralph A.*; age .—£. 95.

These pensions were granted by patent, under the great seal, enrolled in Chancery, and for the lives of the parties. The following memorandum explains the services of Sir William Gosset, in consideration of which these pensions to his children were granted:—

"Pensions to the amount of 300*l.* were granted to three of Sir William Gossett's children, on account of his public services, and in lieu of a pension of a greater amount, to which it was considered he had strong claims; he preferred the grant being made to his children in consequence of his income consisting chiefly of a life annuity."

Sir William Gosset has served the country for 38 years in civil and military capacities in Europe, Asia and Africa.

He was employed as secretary of legation upon a mission to Morocco and the Barbary states. On that occasion he obtained much information respecting the military strength of those powers. His plans of the defences of Algiers were acknowledged by Admiral Lord Exmouth to have been of the greatest utility in the attack upon the port and naval force of that piratical state.

Sir William Gosset had the honour of serving upon that expedition on board of the gallant admiral's ship, and of being employed during the action in the boat which entered the port and set on fire the first Algerine frigate destroyed.

Although Lord Exmouth in the following letter too highly estimates the services and merits of Sir William Gosset; yet, under the present inquiry, he feels it due to himself to show that his lordship considered Sir William Gosset had rendered him good and valuable assistance:—

My

My dear Colonel,

Teignmouth, 15 Dec. 1816.

I MAY be late in my offers of congratulation, but I am sure I am sincere when I assure you not one of your friends more unfeignedly rejoices than I do on your entré into the order of the Bath. I only lament that I am not ten, I had better say twenty, years younger, that I might again have a fair chance of having the satisfaction of uniting on service with you before I make up my account as a public man.

I have seen and known a great many officers on service, but I can with truth say, I have no where met one who united with talents so much zeal and sound judgment as yourself. I shall ever feel sincere gratification whenever I hear of any good attending you.

Yours very sincerely,

*Exmouth.*

To W. Col. Gosset, Royal Engineers.

The civil situations which have been held by Sir William Gosset have been important, and some of them of a very confidential nature and laborious. He was for a short period secretary of legation, secretary to the master-general of the Ordnance, and private secretary to the Lord Lieutenant of Ireland.

After having been some time unemployed, Sir William Gosset was appointed to the arduous office of under secretary for Ireland, which he held for five years. This latter appointment was, however, subsequent to the pensions being granted.

Sir William Gosset is ready to enter into the details of his civil and military services; and if they are not deemed deserving of what he considered an honourable mark of distinction, he will prefer their being withdrawn to holding them on other terms.

20, New-street, Spring-gardens, 9 December 1837."

*Grant, Sophia, and Charlotte Frances;* ages 74 & 68.—£. 98.

Children of Lieutenant-general Grant, who was on constant and active service for 40 years; he died in 1781.

*Grant, Catherine, Harriet and Ann.* —£. 97.

Daughters of an officer who lost his life whilst commanding the island of Grenada. These pensions are now resigned.

*Grattan, Lucia Carey, Caroline Carey and Frances Carey;* ages 54, 53 & 52.—£. 98.

Daughters of Lieutenant-colonel Grattan, who lost his life at an early age, from the hardships of camp service, at the seige of Bangalore, when quarter-master-general in India.

*Grey, Elizabeth Margaret, and Anna Maria;* ages & .—£. 162.

Daughters of an officer who was severely wounded in the American war.

*Halkett, Mary and Ann;* ages & .—£. 97.

Granted in consideration of the services of their father, Major-general Halkett, which were attended with great pecuniary losses. He entered the British service in 1793, in the Scotch brigade, and died a major-general in 1803. The father, Lieutenant-general Sir Colin Halkett, and Colonel Halkett of the King's German Legion, were both officers of very great merit.

*Hamilton, Ann;* age .—£. 140.

Widow of Captain Hamilton, of the 6th foot. Four days only after his marriage, he was ordered to join his regiment in Ireland,—the rebellion then breaking out. He received such severe wounds as to cause his death, after lingering a few years in great suffering.

*Hamilton, Sir Charles;* age 70.—£. 142.

Son of Captain John Hamilton, royal Navy, who, in 1775, sailed with money to pay the troops at New York, having orders to call at Quebec. He served on shore at the head of the seamen of his ship, and distinguished himself, for which services he was created a baronet. The official account of his services is given below. In consideration of those services, this pension was granted to his son:—

"Captain Sir John Hamilton, Bart.

Captain	-	-	-	-	-	-	-	26 May 1768.
Commander	-	-	-	-	-	-	-	7 April 1762.
Lieutenant	-	-	-	-	-	-	-	11 January 1746.

Served as lieutenant almost constantly for a period of 16 years, and as a commander for about six years.

Was captain of the Lizard frigate in the river St. Lawrence, when Quebec was attacked, in December 1775, by the rebel Americans under General Montgomery and Colonel Arnold, and commanded a battalion of seamen landed to assist the garrison; for this service he was thanked by General Carleton, and on his return home in the Hunter sloop, with the accounts of the raising of the siege, was created a baronet.

He commanded the Hector, 74 guns, in the battle of 27th July 1778, under Admiral Keppel, against the French fleet, under Count D'Orvilliers.

He remained in the Hector, in the Channel fleet, under Admiral Sir Charles Hardy, and sailed in the same ship with Admiral Rodney, for Gibraltar, and was detached with the trade to the West Indies only the day before the engagement with Admiral Langara, commanding the Spanish fleet.

He then remained with the Hector in the West Indies, under Sir Peter Parker, and convoyed the trade home in the latter end of 1780.

He was appointed to the Grafton on the 27th December 1782, and sailed for the East Indies in January 1783, with three other line-of-battle ships, but was forced to put back, disabled, with two others.

He then returned to the Hector, in April 1783, and died 1784."

*Hamilton, Marion and Amy*; ages 54 & 43.—£.98.

This pension is connected partly with military and partly with civil service; the father of these ladies was for 16 years in the Army, during which time he served in the American war; he subsequently served as major in the Lanark militia cavalry; he was then appointed collector of customs in Glasgow, which situation he held for 17 years. These pensions were granted on his death.

*Handfield, Catherine, Ann Margaret, Eliza, Isabella Jane, Mary, Julia Lucy and Sarah*; ages 53, 51, 49, 47, 44, 40 & 37.—£.616. Granted by patent under the great seal, and for life.

The children of Colonel Hanfield, granted to them in consideration of his public services for 56 years, especially in the formation, at a period of peculiar difficulty, of the commissariat department in Ireland, and in consideration of the efficiency with which he conducted it during 22 years. The circumstances under which this pension was recommended were stated in Parliament by the minister who recommended the grant, and the following extract is made from the reported debate upon that occasion:—

EXTRACT from Sir Robert Peel's Speech on the Pension List, 18 February 1834.

"WHEN I went to Ireland, I found in the commissariat department an officer of the name of Colonel Charles Hanfield, of whom I knew nothing previously, whose name I had never heard of until I went to Ireland, but who was an officer distinguished by his extraordinary bravery during the American war; I found him holding the situation of commissary-in-chief; I had constant intercourse with him, and in all my life I never met with a man in any public department, actuated by so sincere a desire to promote the strictest well-regulated economy; I must say that it is a very rare thing to find an officer of this description in any public department. I said to that gentleman, 'In what manner can the Government reward your services?' He replied, that he had seven daughters, for whom he had no means of making any provision; that he begged to waive all claims on his own behalf, but that he entreated Government to make some provision for those seven daughters, who would be left destitute in the event of his death. Instead of going to Parliament and asking for a vote, we said, 'We have placed at our disposal a sum of 1,200*l.* a year, let us appropriate part of that sum, amounting barely to 700*l.*, to making provision for those ladies;' and there they stand on the list, Catherine, Hannah, Margaret, and so on."

*Hargrove, Frances, Frances Elizabeth, Jane and George*; ages , , & .—£.17.

Granted in consideration of the services of the late Surgeon Hargrove, of the royal artillery, husband of the first and father of the other pensioners.

*Hawker, Dorothea, Julia and Mary*; ages 35, 33 & 27.—£.300.

Daughters of Colonel Hawker, 44 years in the Army; on active service in the Netherlands, Ireland, South America, the Peninsula and Waterloo; commanded the artillery at Albuera, where he received a musket ball which was never extracted.

*Hay, Dorothea Judith, and Elizabeth*; ages 47 & 39.—£. 194.

The survivors of six sisters, daughters of Lieutenant-colonel Hay, royal engineers, who, after 20 years of almost continual service, at Gibraltar during the siege, in the West Indies, and in Ireland during the rebellion, fell in the expedition to Holland under Sir Ralph Abercrombie. Sir Ralph wrote of him to the Government in these terms: "If I have endeavoured to render any service to the public on this occasion, the only reward I ask is, that this poor family may not be left destitute."

*Hay, Isabella*; age .—£.97.

Widow of the late Major George Hay, of the 56th foot, who died in 1805, having served with that regiment both in the colonies and during the rebellion in Ireland. This lady is infirm and 96 years of age.

*Heatley, Mary*; age 78.—£.177.

Widow of a commissariat officer. In consideration of this pension she has not received the usual pension of an officer's widow.

*Hill, Sir John*; age .—£.150.

Captain of the royal Navy. This pension, which is contingent on his ceasing to hold the situation of captain-superintendent at Deptford, was granted in consequence of the special services of Captain Sir John Hill in superintending the relief granted in times of scarcity in Ireland and in Scotland, under the authority of the Treasury. The services of Sir John Hill are stated in the following memorandum:—

"Captain Sir John Hill.

Captain	-	-	-	-	-	-	-	28 October 1815.
Commander	-	-	-	-	-	-	-	8 October 1798.
Lieutenant	-	-	-	-	-	-	-	28 July 1794.

Entered the royal Navy 25th September 1781.

Was first lieutenant of the Minotaur at the battle of the Nile, and was promoted, in consequence, to the rank of commander.

Served on shore with the Army in Egypt under the late General Sir Ralph Abercrombie.

Was

Was employed in the transport service, and embarked and dis-embarked the Swedish army from Sweden to Pomerania, and was honoured with the thanks of the present king of Sweden.

Was principal agent of transports under the command of General Lord Lynedoch, in Holland. From Holland he went to the Netherlands with the army under the command of the Prince of Orange and the Duke of Wellington; disembarked the whole of the British Army previous to the battle of Waterloo; after that memorable event he was promoted, through the recommendation of the Duke of Wellington, to the rank of post-captain, and embarked all the wounded and French prisoners, &c. for England.

Was removed to Calais with the army of occupation, when all embarkations and dis-embarkations, during the three years, were solely under his direction; he continued at Calais until the armies quitted France, and at the conclusion of the embarkation obtained the approval of the Duke of Wellington and the Admiralty.

In 1820 he was appointed agent of the victualling-yard at Deptford.

In 1822, comptroller.

In 1826, a patent commissioner.

In 1832, made captain-superintendent, and in March 1838 appointed captain-superintendent of Sheerness dock-yard.

He has been employed on three important missions in Ireland and Scotland, for which he has received the approbation of the late King and Her Majesty the Queen, as well as of the Admiralty and Treasury."

*Hope, Elizabeth Stanwick*; age 81.—£.100.

Widow of Lieutenant-colonel Hope, royal artillery; on foreign service nearly all his life; present at the capture of Martinique, St. Lucia, Guadaloupe and Trinidad. At the attack on Fort Fleur d'Epi, he was the officer chosen to co-operate with the Turks against the French force, and subsequently superintended the reconstruction of the forts at the Dardanelles.

*Huntingdon, Earl of*; age 29.—£.600. Dowager Countess of ; age 52.—£.300. *Hastings, Selina Arabella Lucy*; age 31.—£.50. *Hastings, Louisa*; age 22.—£.40. *Hastings, Edward*; age 19.—£.40. *Hastings, Richard*; age 18.—£.40.

Although these pensions are connected with the circumstances of the parties, yet as they also rest upon the naval services of the late Lord Huntingdon, it is but just that those services should be stated under this class.

The late Earl of Huntingdon entered the Navy in the year 1793 on board the Flora, 36-gun frigate, commanded by Sir John Borlase Warren; he was present at the capture of L'Afamie privateer; was in the squadron of Rear-admiral M'Bride, which escorted to the islands of Guernsey and Jersey the British troops under Earl Moira. After the return of the squadron, the Flora was sent with four other men-of-war to cruise off the coast of France, and captured Lé Vipere, and drove two other cruisers on shore.

In March 1794 he became aid-de-camp to Sir John Borlase Warren, and was present at the engagement on the 23d of April, and at the capture of La Pomone, L'Engageante and Le Babel, in which action the French commodore was killed.

In the early part of the year 1795 he went with Sir John Borlase Warren into the Pomone, on board which vessel Sir John hoisted his broad pendant, and with eight other men-of-war and six gun-boats joined Earl Bridport's fleet off Ushant, and he was employed there in the boats commanded by Lieutenant Burke, on the desperate service of bringing out, under a most tremendous fire from Quiberon fort, a British vessel, and was severely wounded in the leg; and at the end of the year was present at the taking of the isle of Dieu.

In the year 1796, served in the Channel fleet, commanded by Earl Bridport.

In the year 1797, went with Sir John Borlase Warren into the Canada, 74, and in October 1798 was in the action off the coast of Ireland, where La Hoche, of 80 guns, and three French frigates, were captured. He then obtained his appointment as acting-lieutenant in the Sylph brig, and was on board at the capture of two Spanish merchantmen, and was sent with the prizes to Plymouth, and received his commission as second lieutenant of the Racoone, and in her was at the capture of several row-boat privateers, and also at the retaking of the Benjamin and Elizabeth of London.

In the year 1800 he was appointed first lieutenant of the Thisbe, and in her accompanied the expedition to Egypt under Sir Ralph Abercrombie, and was present at the landing there, and served through that whole naval campaign.

In the year 1803 he was appointed as lieutenant to L'Aigle, and was sent in her to intercept the French merchantmen then coming from the West Indies.

In the year 1804 he was removed by Lord Nelson to the Diamond, and in the year 1805 to the Audacious, which ship formed part of the Channel fleet under the command of Admiral Cornwallis, and soon afterwards was appointed flag-lieutenant to Admiral Douglas on board the Hibernia, where he remained till Admiral Douglas struck his flag.

From this period until the year 1821 he made many applications for his rank as commander, but without success, but in that year was appointed as a commander to the Chanticleer, and afterwards to the Medina, and in April 1822 was appointed governor of the island of Dominica, which he held for more than two years. He was afterwards appointed to the rank of post-captain, and to command the Valorous, which ship was immediately ordered to the West India station, but, after serving there for more than

three years, his health was so completely destroyed by repeated attacks of the fever of the country, he was obliged to invalid and return home, and shortly after (viz., on the 9th of December 1828) died in Ireland.

With respect to the four last small pensions, they are to cease upon the marriage of the females and upon the employment of the males in the civil or military service of the Crown.

*Innes, Susanna*; age 66.—£. 43.

Widow of Brigade-major Innes, who died in 1809 of a wound received from a musket ball which could never be extracted.

*Irvin, Charles*; age .—£. 97.

Son of the late General Sir John Irvine, K. C. B., who filled the offices of governor of Gibraltar, and commander-in-chief in Ireland for many years.

*Juxon, Eliza*; age 60.—£. 23.

Wife of a soldier, who served in the Army for 42 years; who was compelled by a debilitated constitution and impaired sight to repair into a veteran battalion.

*Kennedy, Mary*; age 68.—£. 97.

The brother of this party was present at 18 engagements and fell at Albuera; he had purchased every step except his majority; his son fell at Waterloo.

*King, Dame Maria Susanna*; age 43.—£. 300.

Granted in consideration of the services of her late husband, Vice-admiral Sir Richard King. The services of this distinguished officer are set forth in the following memorandum:—

“Vice-admiral Sir Richard King, Bart, K. C. B.

Vice-admiral	-	-	-	-	-	19 July 1821.
Rear-admiral	-	-	-	-	-	12 August 1812.
Captain	-	-	-	-	-	14 May 1794.
Commander	-	-	-	-	-	8 October 1793.
Lieutenant	-	-	-	-	-	14 November 1791.

Entered the service at an early age, and, having passed through the various gradations of subordinate ranks, was promoted to the rank of captain in May 1794.

Commanded the Aurora frigate, employed in the North Sea, and the Druid, in the Channel, and in convoying the trade to and from Portugal.

In 1798, when commanding the Sirius of 16 guns, fell in with two Dutch ships of war; the Furie of 36 guns, and the Waakzaamheid of 26 guns, having 287 French troops, 4,000 stand of arms, ordnance-stores, &c. both of which were captured.

In 1801, while in the Sirius, in company with L'Oiseau, intercepted and captured La Dedaigeneuse, French frigate, of 36 guns.

In 1802, commanded a light squadron employed against smugglers.

In 1805, was appointed to the Achille, 74, and was present at the battle of Trafalgar.

In 1808, was employed in blockading Ferrol, &c. and commanded a squadron off Cherberg, and afterwards served in the defence of Cadiz.

In 1811, was appointed captain of the fleet under Sir Charles Cotton in the Mediterranean and in the Channel.

In 1812, was promoted to the rank of rear-admiral, and during the remainder of the war had his flag in the San Josef, off Toulon, &c.

In 1815, was nominated a knight-commander of the Bath.

In 1816, was appointed commander-in-chief in the East Indies, and returned to England in 1820.

In 1821, was promoted to the rank of vice-admiral.

In 1833, was appointed commander-in-chief on the Chatham station, and died in that command in August 1834.”

*King, Margaret*; age 63.—£. 43.

Sister of Lieut. John King, who fell at Talavera, after 16 years' service. The following letter, written immediately after the action, was addressed to the sister of Lieut. King by Colonel Seymour:—

Madam,

Camp, near Talavera, July 30.

THE painful duty of announcing to his family the death of Lieut. King falls upon me, and I perform it with real and heartfelt sorrow; he fell when rushing on in an attack upon a column of the enemy near this place on the 28th, and even at this afflicting moment it cannot but be a consolation to you to know that the most important services were rendered to the Army by the attack in question, and that your brother distinguished himself upon this occasion as he has uniformly done upon every other. You have lost, Madam, an affectionate brother, the regiment an excellent officer, and I a steady friend.

I fear this blow will be most severely felt by Mr. King at his advanced age, to whom I conceived it would be imprudent in me to address myself; but it would afford me infinite satisfaction to be informed that his health has not suffered by this melancholy catastrophe.

I am, Madam, with great respect, yours most truly,

*Henry Seymour.*

*Knollys.*

*Knollys, Gertrude Caroline*; age 30. *Catherine*; age 29. *Augusta Georgiana*; age 26.—£. 150.

Daughters of General Knollys, claimant to the earldom of Banbury; he had a pension of 400*l.* a year, which ceased at his death.

*Laing, Margaret*; age 68.—£. 24.

Sister of Captain Grant of the royal Navy, who commanded the frigate Sea Horse; in consideration of whose services this pension was granted.

*Livingstone, Anne*, and *Elizabeth*; ages 63 & 52.—£. 97.

Daughters of the late Sir Alexander Livingstone, who served from the taking of Quebec throughout the American war. They had lost three brothers, one in the Navy, at Cape St. Vincent; another in India, on the field of battle; and the third, on service in Portugal.

*Lloyd, Mary, Anne and Emma*; ages 62, 45 & 55.—£. 266. Granted by patent under the great seal, for life.

Of four brothers of these parties one was drowned, when a major in the Army; a second, a captain in the Navy; a third died of the yellow fever, as an officer of artillery, in the West Indies.

*Lloyd, Emma and Charles*; ages 55 & 28.—£. 308. Granted by patent under the great seal, for life.

A widow, and her son. The father of Mrs. Lloyd, General Hale, served throughout the American war. Her husband was a major in the Army, and had served under Sir Ralph Abercrombie in Egypt, where he was severely wounded. He was drowned.

*Lyon, Lucy Pamela Sophia*; age 11.—£. 100.

Grand-daughter of the late Lord Edward Fitzgerald, and orphan of Captain Lyon, of the royal Navy, the African traveller, whose travels in Africa and to the north are sufficiently known. He died at sea, totally blind, after 25 years' service in the Navy, during the greater part of which he was actively employed; his services are more particularly stated in the following memorandum:—

“Captain George Francis Lyon.

Captain	-	-	-	-	-	-	13 November 1833.
Commander	-	-	-	-	-	-	3 January 1821.
Lieutenant	-	-	-	-	-	-	20 July 1814.

Served as acting-lieutenant of the Berwick, in April 1814, at the reduction of Genoa; was wounded in an attack made by the boats of the Berwick and Rainbow on the enemy's posts, near the Pass of Rona.

He was present in 1815 at the siege of Gaeta, and was a lieutenant of the Albion, 74, at the battle of Algiers.

In September 1818 he accompanied Mr. Ritchie in his travels in Africa, and experienced many dangers and sufferings during the expedition, which lasted one year.

In January 1821 he was appointed to the Hecla bomb, under Captain (now Sir Edward) Parry, in the Fury, fitted up for the purpose of exploring the Repulse bay, the Wager river, and the North-west passage, and returned after an absence of three years.

Captain Lyon was promoted in November 1823, on his return, to post rank.

In January 1824 he was appointed to the Griper bark, fitting out for another northern expedition, from which he returned in December 1824, after undergoing many dangers, and being nearly shipwrecked.

He afterwards went to Mexico, as one of the commissioners for the Real del Monte Mining Company; and, returning home, was wrecked off Holyhead, and lost every thing belonging to him.

He afterwards returned to Mexico, and died on the 9th of October 1832, on his passage home.”

*Maccarmick, Catherine Dorothea, and Leonora*; ages 54 & 52.—£. 164.

Daughters of General Macarmick, who served for 59 years in Jersey; at the siege of Belleisle, in Portugal; in North America (where he raised a regiment at his own expense); and in Jamaica.

*M'Culloch, Jane*; age 48.—£. 100.

Widow of the late Captain M'Culloch, R.N., who served for 26 years. He was present at the taking of the Cape of Good Hope, and acted on land as naval aid-de-camp at the capture of Martinique and Guadaloupe; he afterwards commanded vessels engaged in the coast-guard service, and submitted several plans for the prevention of smuggling, which were approved of and adopted. His unremitting exertions brought on a disease of which he died when in command of the Ramillies.

*M'Creight, Sarah*; age 65.—£. 100.

Widow of William M'Creight, who served for 48 years in the royal dock-yards, and at his death, which was brought on by over-exertion in the performance of duty, left a widow with 12 children. Mr. M'Creight's father served for 45 years in the Navy.

*M'Gregor, Lady Charlotte Mary*; age .—97.

Widow of a general officer, who served 22 years in actice service, and died in 1827. The proceeds of the sale of his commissions were invested in the hands of an agent who absconded, and this pension was granted.

*Mackay, Flora*; age 65.—£. 49.

Daughter of Major M'Leod, who raised a regiment in North Carolina, at the head of which he distinguished himself in the rebellion; previously he had been lieutenant of marines, and had signalized himself at the reduction of Manilla, Canada, Newfoundland, Cape Breton, &c. His wife carried despatches between the contending parties during the heat of the American war, at the risk of her life. This lady's three brothers fell on the field of battle. This lady is grand-daughter of the celebrated Flora M'Donald.

*Mackenzie, Henrietta Wharton*; age 65.—£. 97.

Sister of Major-general Mackenzie, who fell at Talavera. This lady is his only sister; he had served for 30 years. A national monument erected by Parliament in St. Paul's to the memory of General Mackenzie.

*Mackenzie, Theresa Margaret*; age 40.—£. 100.

Widow of Thomas Mackenzie, who had been, during many years of the late war, contractor for provisions to the West India troops and garrisons. His exertions during the American embargo entitled him to the approbation and acknowledgment of the British Government; but those exertions injured his private trade as a merchant, and were aggravated by a long delay in the settlement of his accounts with the Treasury. On his death his widow was left with seven children, and this pension was granted.

*Macclaine, Maria*; age 92.—£. 49.

Lost one son at the battle of Maida, and another at the battle of Waterloo.

*M<sup>c</sup>Laurin, Eliza*; age 74.—£. 97.

Widow of Dr. M'Laurin, physician to the forces, who died at an early age in consequence of his unremitting exertions during the campaign in Holland in 1794. Owing to his having been on half-pay at the time of his death, the widow's pension has never been received by Mrs. M'Laurin.

*M<sup>c</sup>Lean, Ann*; age 81.—£. 39. *Sybilla*; age 83.—£. 39.—£. 78.

The orphan daughters of the late Major Sir A. M'Lean, who served in the American war, and raised a company on his own estate; the younger of these ladies is 81 years of age.

*M<sup>c</sup>Leod, Lady Annabella*; age .—£. 97.

Widow of Major-general M<sup>c</sup>Leod, who was drowned after 40 years' service.

*M<sup>c</sup>Neil, Ann*; age 84.—£. 184.

Widow of Doctor James M'Neil, deputy-inspector of hospitals, in consideration of whose services this grant was made. He served in North and South America, in Gibraltar, in different parts of the West Indies, on the Continent, and for a considerable time in an extensive and fatiguing district in England. The illness of which he died was brought on by over-exertion in the performance of his official duties.

*M<sup>c</sup>Pherson, Margaret, Jane Frazer and Christian*; ages 45, 44 & 43.—£. 75.

Daughters of the late Lieutenant-colonel M<sup>c</sup>Pherson, who served in the Army 40 years, in Holland, America, Denmark, Sweden, and during the whole of the Peninsular war; he was present at the taking of Badajoz, where he received five severe wounds at once.

*Macquarie, Ann*; age 62.—£. 29.

Lost four brothers in the Army and one in the Navy; her father was in the Army, and had 27 children.

*Maitland, Frances Jane*; age 54.—£. 49.

One of the 10 daughters of Mr. P. Maitland, who served for many years in the dragoons, during the reigns of George II. and George III., with the former of whom he had served in the field.

*Marley, Elizabeth*; age .—£. 175.

The father of this party served 24 years in the Army; her brother also served above 20 years, and, dying comparatively young, the purchase-money of his commissions was lost to his family.

*Massey, Emily*; age 55.—£. 115.

Daughter of General the first Lord Clarina, who had served in the Army upwards of 60 years in every climate.

*Master, Isabella*; age 76.—£. 139. *Master, Richard*; age .—£. 74.—£. 213.

Widow and son of the late Richard Master, who served in the Army for many years, during which time he was taken prisoner at Saragossa; he was afterwards appointed consul at Algiers, which office he filled for some time; he was subsequently governor of Tobago, where he died of the yellow fever within six months after his appointment.

*Maxton, Marion*; age 60.—£. 97.

Of this lady, four brothers out of five lost their lives in the Army, Navy, and East India service; and the fifth received a wound which has permanently affected his health.

*Maxwell, Dame Grace Collander*; age 58.—£. 150.

Widow of Captain Sir Murray Maxwell, a memorandum of whose services is here subjoined:—

"Captain Sir Murray Maxwell, C.B.

Captain	-	-	-	-	-	4 August 1803.
Commander	-	-	-	-	-	15 December 1802.
Lieutenant	-	-	-	-	-	10 October 1796.

In

In 1802, was promoted to be commander of the Cyane sloop, and formed part of Commodore Hood's squadron at the reduction of St. Lucia, in 1803, and was immediately after promoted to the rank of captain, and appointed to the Centaur, bearing the commander's broad pendant, under whom he served at the capture of Tobago, Demerara, and Essequibo.

In 1804, accompanied Commodore Hood and General Sir C. Green in the expedition against Surinam, in which he was landed with a body of seamen.

In 1808, when commanding the Mercury, 28 guns, off Cadiz, having a brig under his orders, attacked a fleet of Spanish vessels under the protection of 20 gun-boats, and a formidable train of artillery, in the presence of 11 French line of battle ships, several of which were taken and destroyed. Subsequently, when commanding the Alceste, was most actively employed on the coast of Italy, capturing and destroying the enemy's gun-boats' batteries.

In 1811, in company with the Belle Poule, attacked a French brig of war, and the batteries on the coast of Istria, and took possession of an island. Soon after which, being the senior officer of a squadron, consisting of the Alceste, Active, and Unité frigates, attacked three French frigates off Lissa, one of which, the Pomone, of 44 guns, was taken, as was also La Persane, of 26 guns.

In 1815, was selected to convey Lord Amherst, ambassador to the court of China, &c. and forced the passage at Bocca Tigris, and silenced the Chinese batteries, which fired into the ship. On the passage to England, the Alceste was wrecked on an unknown coral reef, on which occasion his exertions and arrangements in saving the lives of the ambassador, &c. and the crew, stores, &c. were most praiseworthy.

In 1815, was nominated a companion of the Bath

In 1818, was knighted.

In 1821, commanded the Bulwark flag-ship at Chatham, and removed into the Briton in 1822, in which he continued till 1826, and died in 1831."

**Maxwell, Susan;** age —£. 29.

The youngest of 18 children. Her father had served during the American war. Six of her brothers, of whom one was Captain Sir Murray Maxwell, R. N., died in the Army or Navy.

**Mends, Eliza, Harriet Arabella and Alice Sarah;** ages 29, 28 & 21.—£. 150.

Daughters of Captain Sir R. Mends, who lost his right arm in the service at an early age, and was otherwise severely wounded.

He lost his life while commodore on the coast of Africa, where his eldest son also perished.

The following return contains a recital of his services:—

"Captain Sir Robert Mends, Knt.

Captain	-	-	-	-	-	-	2 May 1800.
Commander	-	-	-	-	-	-	15 November 1796.
Lieutenant	-	-	-	-	-	-	26 August 1789.

Lost an arm during the American war before the 14th year of his age, and suffered amputation twice; served as lieutenant in the Childers, in the suppression of smuggling, and displayed great zeal and activity.

Was a lieutenant of the Colussus, in the action off L'Orient, in 1795, and was dreadfully burnt by the explosion of a gun.

When in command of the Diligence, of 16 guns, captured a Spanish ship of 16 guns and 50 men, and subsequently assisted at the capture of a Spanish armed packet.

Commanded the Abergavenny of 54 guns; Thunderer, a third-rate; and Quebec frigate; employed in the West Indies until the conclusion of the war.

In 1808, when in command of the Arethusa, captured a French privateer, and in the following year co-operated with the Spanish patriots.

In 1809, the Arethusa joined the Amethyst, just as the latter had silenced the fire of a large French frigate, which soon after surrendered, and in which action he was wounded; commanded a squadron on the north coast of Spain, which was actively employed in the destruction of the batteries, and received a complimentary letter from the Junta of Galicia.

In 1814, he effected a partial landing of troops at Gijon, when the enemy was driven out of the town, and the common stores, &c. destroyed.

In 1815, was knighted, on his obtaining permission to wear the Spanish order of Charles the Third.

In 1821, was appointed to the chief command on the coast of Africa, and died on that station in 1823."

**Milnes, Dame Charlotte;** age 70.—£. 600.

Widow of the late Sir Robert Milnes, who had served for 13 years in the army, when he was appointed governor of Martinique; while filling this post he recovered large sums for the Government; as a reward for his services, he was appointed, when from his age he began to fail, lieutenant-governor of Canada; the governor being absent almost the whole time, not only were very onerous and responsible duties thrown upon him, but that which was intended as a reward became the source of great expense; he had two sons, both of whom fell in the field of battle. This pension is by patent under the great seal, for life.

**Mitchell, Maria M.;** age —£. 50.

Only daughter of the late Admiral Sir Andrew Mitchell; granted in consideration of his services; those services are explained in the following memorandum:—

## "Services of Sir Andrew Mitchell, K.B.

Lieutenant	-	-	-	-	-	-	-	in 1777.
Captain	-	-	-	-	-	-	-	1788.
Rear-admiral	-	-	-	-	-	-	-	1795.
Vice-admiral	-	-	-	-	-	-	-	1799.
Admiral	-	-	-	-	-	-	-	1805.
In 1781 commanded the Coventry of -						28 guns.		
1782	-	-	Sultan	-	74	"		
1784	-	-	Defence	-	74	"		
1790	-	-	Asia	-	74	"		
1794			Impregnable		98	"		

When in command of the Coventry of 28 guns, he fought one of the most gallant actions on record. The Bellona French frigate of 44 guns and 500 men was fitted out for the express purpose of fighting the Coventry; they met, and an action ensued; the French ship lost 250 of her crew, her first and second captains, and nearly all her officers; her firing had almost ceased when an unlucky shot carried away the Coventry's wheel; the Bellona took advantage of the accident and made off, the Coventry followed her for three days, and actually chased her into the body of the French fleet; Captain Mitchell was the only person left on the Coventry's quarter-deck.

In 1799 Vice-admiral Mitchell was appointed second in command of the fleet, under Lord Duncan, in the expedition against Holland, and took possession of the Dutch fleet; he also conducted the armament, consisting in all of 200 sail of vessels, along the coast, and brought it to the place of landing, an event which could not have taken place but for the consummate skill, unremitting perseverance and great exertion of the admiral; for his services on this occasion he was rewarded with the order of the Bath.

He was at one time port-admiral at Sheerness, and subsequently appointed commander-in-chief at Halifax (1802); his death took place there in 1800; he left a widow and several children in very indigent circumstances."

**Moncrief, Douglas;** age 76.—£. 184.

His father, Colonel Moncrief, had served for 20 years; his brother served in America, and in the East Indies, where he fell during the war against Hyder Ali.

**Montgomery, Lady, Mary Ann Emily, Matilda & Isabella Eliza;** ages 57, 36, 25 & 21.—£. 358.  
Widow and daughters of Sir H. C. Montgomery, who served in India with distinction, and contributed greatly to the improvement of the native cavalry; on his return he was appointed inspecting field-officer of the Donegal yeomanry. These pensions are by King's letter, directing the issue of patent under the great seal, for life.**Moodie, James;** age 75.—£. 97.

Served in the Navy, and during his service was shipwrecked, and left on the wreck for two days; present at several engagements, including two under Lord Rodney, in 1782; subsequently in 1792 appointed provost of Dunfermline, filled the office for 15 years, and received this pension as a reward for his services.

**Morton, William;** age 63.—£. 250.

This gentleman rendered most essential service to the public in respect to the settlement of military accounts. It was at first intended that a reward should be granted to him for his services by a superannuation allowance, the same being reported specially to Parliament; but, on reconsideration, it was considered so expedient to adhere strictly to the principles of the Superannuation Act, and to avoid any exceptions, even under Parliamentary authority, that his late Majesty was advised to grant this civil list pension as a reward to Mr. Morton. The original intention of the Government, as well as the services of Mr. Morton, are set forth in the following Treasury minute:—

## COPY, Treasury Minute, 6 December 1836.

"16. 586.—22. 338.—My lords have under their consideration the several letters which have been addressed to their lordships by the secretary at War on the subject of the claims of Mr. W. Morton, formerly employed in the office of the agents-general for Ireland, for services rendered by that gentleman in the examination of the accounts of the late Colonel Browne, formerly agent-general, it having been in a great degree owing to those services, and to the information given by Mr. Morton, that that examination had forwarded as it did to the results of establishing very large claims against the executors of the late Colonel Browne, for monies due by him to the public; and upon this settlement, of which the sum of 100,000*l.* was paid by the executors as a compromise with the public.

In these letters the secretary at War recommends, as a proper remuneration to Mr. Morton, for the services rendered by him, that he should be paid a superannuation allowance, calculated upon the number of years he had served in the office of general agent, such allowance to be calculated according to the provisions of the Act in force at the time Mr. Morton was reduced from the establishment of that office, upon the salary he then enjoyed, viz. 220*l.* per annum. Lord Howick further suggests that such allowance should commence and take effect from 1st January 1834; Mr. Morton's first appeal to the War-office having been made in the month of November 1833.

It appears from the several papers connected with this case, which have been under the consideration of this board, that Mr. Morton did render very effectual service to the public in the matter in question, and that it was owing, in a very principal degree, to the assistance given by him that the long pending examination of the late Colonel Browne's accounts was brought to a successful termination.

My

My lords concur with Lord Howick, that, under these circumstances, Mr. Morton has a claim to be compensated by the public; and they are not aware that such compensation can be granted in a more satisfactory manner than that suggested by Lord Howick, viz. the grant of a superannuation allowance, calculated upon the number of years Mr. Morton was employed in the office of the general agent for Ireland, the amount of which would upon that principle be 250*l.* per annum. Such superannuation to be submitted for the pleasure of Parliament in the estimate for superannuation allowances laid upon the table of the House of Commons in each session. My lords are also of opinion that such allowance, when granted, should commence to take effect from 1st January 1834. Their lordships accordingly desire that provision for the payment of such a superannuation allowance may be made in the estimate of the ensuing session, and that a copy of this minute may also at the same time be laid before both Houses of Parliament, the case being one of a special nature, and one in which my lords would not be justified in making any payment, without stating to Parliament the grounds upon which it was proposed to grant the allowance, nor until the pleasure of Parliament shall have been expressed by the vote upon the estimate in the Committee of Supply.

Let a copy of this minute be transmitted to the secretary at War for his Lordship's information."

*Muskerry, Lady*; age 49.—£. 233.

Granted in consideration of the services of her husband, Lord Muskerry; 28 years in the Army; served in command of the 38th regiment or the light battalion of the brigade in the battles of Roliea, Vimiera, Corunna, St. Sebastian and Nivelle, for each of which actions he received a gold medal.

*Napier, Catherine Douglas, and Maria*; ages 62 & 51.—£. 97.

Daughters of the late Major-general Mark Napier. Lost two brothers in the service. They are near relations of the distinguished officers of the name of Napier, who still survive, and whose services are sufficiently known to the public.

*O'Dwyer, Catherine*; age 48.—£. 92.

Her husband, Captain Mikle, lost a leg at Salamanca, which was, in a great measure, the cause of his death at the early age of 38. She was the daughter of Morgan O'Dwyer, whose case is stated hereafter.

*O'Dwyer, Marcella and Jane*; ages 30 & 29.—£. 114.

Daughters of Morgan O'Dwyer, who served several years in the Navy; was taken prisoner, after a severe action, by the French; was delivered to Hyder Ali, with Admiral Cartew and others; marched up the country with them, chained two and two, and, during his captivity, contracted a disease, from which he continued to suffer till his death; was lieutenant and captain of the Irish lawyers' corps during the rebellion; having gone to the Irish bar, was ultimately appointed an assistant barrister, which office he held for only one year.

*Pack, Arthur John, Denis William, Elizabeth and Catherine*; ages 21, 20, 18 & 17.—£. 400. Children of the late Major-general Sir Denis Pack, K. C. B. On five different occasions he received the public thanks of the House of Commons. As the best record of his services, the following copy of the inscription on his monument, in the cathedral at Kilkenny, is inserted:—

" Sacred to the memory of Major-general Sir DENIS PACK,  
Knight-commander of the most honourable order of the Bath, and of the Portuguese  
military order of the Tower and Sword;  
Knight of the imperial Russian military order of Wladimir, and of the imperial Austrian  
order of Maria Theresa;

Colonel of the 84th regiment of foot, and Lieutenant-governor of Plymouth;  
Who terminated a life devoted to his king and country, on the 24th day of July 1823,  
aged 48 years.

The name of this distinguished officer is associated with almost every military achievement of the British Army, during the eventful period of continental warfare, between the year 1791, in which he entered his Majesty's service, and the year 1823, in which he ended his honourable career.

Throughout the campaigns in Flanders of the years 1794 and 1795, he served in the 14th regiment of light dragoons; at the capture of the Cape of Good Hope in 1806; and in the arduous and active campaign, which immediately followed, in South America, he commanded the 71st regiment of Highlanders in a manner that reflected the highest credit on his military skill and valour.

At the head of the same corps, in 1808, he acquired fresh reputation in the battle of Corunna.

In 1809, he accompanied the expedition to Walcheren, and signalized himself by his zeal and intrepidity at the seige of Flushing.

He was subsequently engaged, at the head either of a brigade or a division of the Army, in every general action and remarkable seige which took place during the successful war in the Peninsula, under the conduct of the great Duke of Wellington.

He finally commanded a brigade in the action of Quatre Bras, and again in the ever memorable and decisive battle of Waterloo.

For these important services, in which he was nine times wounded severely, he obtained, at the recommendation of his illustrious chief, from the foreign potentates in alliance with Great Britain, the honourable titles of distinction above mentioned, and from his own

Sovereign, besides the order of the Bath and medal in commemoration of the battle of Waterloo, a gold cross, with seven clasps, on which are inscribed the following names of the battles and seiges in which he bore a conspicuous part, namely, Roleia, Vimiera, Corunna, Busaco, Ciudad Rodrigo, Salamanca, Vittoria, Pyrenees, Nivelle, Nive, Orthes, Toulouse.

Upon five different occasions he had also the honour to receive the thanks of both Houses of Parliament : on the 3d of February 1813, for his conduct at Salamanca ; on the 10th of February 1813, for his conduct at Ciudad Rodrigo ; on the 8th of November 1813, for his conduct at Vittoria ; on the 24th of March 1814, for his conduct at Orthes ; on the 23d of June 1815, for his conduct at Waterloo.

While these his merits as an officer insure for him a place in the records of his grateful country, amongst the heroes who have bravely fought her battles and advanced her military glory, his virtues as a man were securely founded upon Christian piety, and attested by the esteem of his companions in arms, and by the love of all who were intimately connected with him."

**Pack, Catherine Anne**; age 67.—£. 43.

Sister of Major-general Sir Denis Pack.

**Palmer, Lady Madelina**; age —£. 184.

Widow of General Sir George Sinclair, lieutenant-governor of Fort George.

**Pickard, Eliza and Jane**; ages 64 & 60.—£. 60.

Daughters of Lieutenant Pickard, who lost a limb in the service, and received a pension of 170*l.* He lived but two years to enjoy it ; and on his death the reduced pension was granted to his daughters.

**Pilot, Judith Henrietta**; age 68.—£. 43.

Daughter of an officer who had served during the American war, and died as major, in 1818.

**Plummer, Mary, and M<sup>r</sup> Murdo, T. P.**; ages 87 & 57.—£. 97.

Widow and niece of the late Major George Lewis M'Murdo, who had served and been wounded in the American war, of which wound he suffered to the end of his life. Of four sons, every one was engaged in the public service. The eldest fell at the battle of Assaye ; the second was Lieutenant James M'Murdo, resident at Kutch, who died of cholera ; the third was in the Navy, and died of yellow fever in the West Indies ; the fourth was also in the Navy, but is now deceased.

**Popham, Dame Moffat**; age —£. 365 four-and-a-half per cent. duties.

The widow of the late Admiral Sir Home Popham. The following memorandum of his services and letter from his widow will sufficiently explain the grant of this pension. This pension is for life :—

“ Rear-admiral Sir Home Popham, K.C.B.

Rear-admiral	-	-	-	-	-	-	4 June 1814.
Captain	-	-	-	-	-	-	4 April 1795.
Commander	-	-	-	-	-	-	26 Nov. 1794.
Lieutenant	-	-	-	-	-	-	16 June 1783.

In 1798, commanded a squadron employed in the conveyance of troops, under Major-general Eyre Coote, disembarked at Ostend, in which the British ships sustained a severe fire from the batteries.

In 1805, commanded the naval force employed in the reduction of the Cape of Good Hope.

Was captain of the fleet under Lord Gambier in the attack on Copenhagen in 1807.

Served in the Walcheren expedition, and commanded the gun-boats and bomb-vessels employed in an attack upon the town and forts of Veer.

In 1815, was appointed commander-in-chief in the river Thames, and was nominated a knight-commander of the Bath.

In 1817, was appointed commander-in-chief in the West Indies ; and died in 1820.”

Sir,

Florence, December 16, 1837.

I AM honoured to-day by the receipt of your “ Private Circular” letter of November 24 and I am grateful for the consideration which extends to me the opportunity afforded by your kindness to the objects of the royal bounty generally.

While I avail myself, to a certain extent, of that opportunity, I do so under the full persuasion that the claims of my husband to such a portion of his royal bounty, as still is paid to me, are too obvious to need defence.

Should it be otherwise, the Committee will never require from me a detailed statement of the services justificatory either of the grant or of its continuance ; such may be found with more impartiality amidst the records of British achievements in the last and previous war, in the votes of both Houses of Parliament, in the voted freedom of the city of London, in the dignities conferred by a royal hand, and in the unanimous verdict of a high-minded profession.

Should living testimony be required, the Committee can refer to the nobleman so long at the head of the Admiralty, or to the unpurchasable testimony of the Duke of Wellington.

Was I in any case to attempt such a task, my feelings would very soon incapacitate me, not only for it, but for the statement of simple facts which I do venture to make, as follows :—

The

The pension was granted by Mr. Pitt (unasked) for services performed not only in the Navy, but also in the conduct of a confidential and difficult mission to the Emperor Paul of Russia.

At the time of making the grant, the minister's discernment led him to foresee that the curtailment of Sir Home's life, and thorough neglect of his private affairs, must be the inevitable result of his devotedness to the public service, and therefore he gave a remainder to his widow.

How fully that discernment was borne out by fact is told in a few words.

Although several years of brilliant successes followed the period of the grant, so little provision had Sir Home been able to make for his family during those years, that on receiving his last command, when his private affairs were pressed upon his notice, after parting with all his property in England, he found his fortune to consist of his pension and his sword, and he was constrained from motives of economy to take his family with him to Jamaica.

Thus having toiled beyond his strength, he sunk beneath the loss of a son and of a daughter, of whom the climate had bereaved him; and collecting all that an unskillful economy had just placed within his disposal, he was permitted to return with it to England, there to receive again the approbation of his King, and, leaving to his widow his pension and his name, to bless his children, and to die.

His name is history; no thousand pens can blot or mar it.

His pension has given to his children such an education and such advantages as its limits could, all directed, to make them worthy their country's bounty and their father's name; and I am confident that no royal person, no House of Commons, no minister, will say that pension should expire before I expire.

No, Sir, the remnant of my days shall still be soothed by the words your letter quotes  
"It is honourable in just cause to be thought worthy of reward."

I do not undervalue by any means the pecuniary advantages of the pension; with my family and my wants that were impossible: have not I ere this borne heavier privations? and for my country! I have. But I do value high and above all the touching testimony to the merits and to the memory of Sir Home Popham, borne in the continuance of that pension by a grateful country, ministered by a royal hand to his widow, and that because he was as true an officer as ever left a widow in a nation's care.

I have the honour to remain, Sir,

Your grateful and humble servant,

*E. W. Popham.*

P. S.—I find I have forgotten to state, that although the nominal amount of the grant is 500*l.*, it never has exceeded in payment 364*l.* per annum.

*Pont, Maria*; age 49.—£.155.

Daughter and grand-daughter of gentlemen of the name of Maclaime, who resided in Holland, and who were attached to the British party in that country. The latter, having emigrated at the time of the Dutch revolution, accompanied the British expedition to Holland in 1799. This pension appears to have been granted in consequence of his services.

*Pritchard, Anastasia Benedicta*; age 48.—£.50.

Granted in compensation for losses sustained by her father, who served with the late Duke of York, and afterwards in the barrack department.

*Radstock, Lady*; age 74.—£.389.

Widow of Admiral Lord Radstock, created an Irish peer for his services. Lady Radstock, in consequence of receiving this pension, does not receive the usual pension of an admiral's widow. The following memorandum contains the recital of Lord Radstock's services:—

"Admiral the Right honourable William Lord Radstock, G.C.B.		
Admiral	- - - - -	29 April 1802.
Vice-admiral	- - - - -	1 June 1795.
Rear-admiral	- - - - -	4 July 1794.
Captain	- - - - -	30 May 1776.
Commander	- - - - -	23 June 1775.
Lieutenant	- - - - -	1 August 1772.

Having gone through the inferior gradations of the service in the Mediterranean and Western Seas, was promoted to the commander of the Zephyr sloop, in 1775.

In May 1776, was promoted to the rank of captain, and appointed to the Ripon of 60 guns, bearing the broad pendant of Sir E. Vernon.

In 1778, while in the Ripon, fell in with a French squadron; an action ensued, and was maintained with great obstinacy for two hours, when the enemy made sail, and steered for Pondicherry. The British squadron took possession of that anchorage, and co-operated with the Army in the reduction of that place. One of the frigates of the above squadron was afterwards captured. While in command of the Pomona, captured an American privateer of 20 guns and 170 men, which had been particularly destructive to the British trade.

In 1780, when in command of La Prudente, in company with the Licorne, captured La Capricieuse, French frigate, of 44 guns.

In 1781, accompanied Admiral Darby to the relief of Gibraltar, and subsequently assisted at the capture of a number of French transports proceeding with troops and stores to the West Indies, under the protection of M. de Guiche.

In 1790, commanded the Majestic, 74.

In 1793, was appointed to the Courageux, 74, and accompanied Vice-admiral Hotham to the Mediterranean.

Early in 1794, was appointed a colonel of marines, and shortly after was promoted to the rank of rear-admiral, and appointed to the command in the Channel fleet.

In 1795 was promoted to the rank of vice-admiral, and proceeded to the Mediterranean to join the fleet under Sir J. Jervis, and was employed in a negotiation with the Tuniscians, which he executed with satisfaction to the commander-in-chief; was present in the action of 14th February 1797, with the Spanish fleet.

Soon after this event he was appointed governor of Newfoundland, and commander-in-chief of the squadron on that station, which he held for several years.

For his services he was offered a baronetcy, which however he declined.

In 1800, was created a peer of Ireland, by the title of Baron Radstock.

In 1802, was promoted to the rank of admiral.

In 1815, was nominated a knight grand cross of the Bath, and died in 1825."

*Randall, Susannah, Martha and Elizabeth*; ages —£. 40.

Daughters of Lieutenant F. Randall, royal Navy, killed in action. The former of these ladies is married to an officer, who served for 57 years; they had three sons, two were officers in the Navy, and lost at sea; the third, an officer of engineers, who died on service.

*Reid, Barbara*; age 41.—£. 49.

Only surviving child of the late Captain Sir John Reid, who served in the Navy for 50 years. Her two brothers died in the Navy.

*Renny, Margaret*; age 57.—£. 40.

Niece of Sir David Baird; her eldest brother was killed in the Navy when in command of a gun-boat; her second brother fell before New Orleans the very day that he received his brevet rank as lieutenant-colonel as a reward for gallant conduct and severe wounds; the third brother was killed in the Walcheren expedition.

*Rickman, Martha, Eleanor Mary and Elizabeth*; ages 41, 38, 34.—£. 150.

Daughters of the late James Rickman for 50 years surgeon of the Portsmouth division of the royal marines.

*Robertson, Ann, and Campbell Thomas*; ages 52 & 48.—£. 97.

Children of Captain Robertson, R.N.; he commanded the admiral's ship in the Doggerbank action.

*Roby, Harriet Ann*; age 46.—£. 43.

Daughter of Lieutenant-colonel Roby, royal marines, who had served for 47 years without an hour's intermission, and without receiving any prize-money or being appointed to any lucrative situation. The services of Lieutenant-colonel Roby will appear from the following paper:—

" Lieutenant-colonel G. E. Roby.

Second Lieutenant	-	-	-	-	-	-	22 January 1779.
First Lieutenant	-	-	-	-	-	-	25 March 1780.
Captain	-	-	-	-	-	-	26 April 1795.
Major	-	-	-	-	-	-	7 July 1806.
Brevet Lieutenant-colonel	-	-	-	-	-	-	4 June 1813.
Lieutenant-colonel	-	-	-	-	-	-	19 July 1821.

He appears to have commenced his service in the marines as second lieutenant, in the year 1799, and soon afterwards was embarked in the Serapis, commanded by Captain Richard Pearson, in which ship he was present in a memorable action with a French squadron commanded by Paul Jones,—the English ship having sunk soon after she had surrendered. For his conduct in this action, Second Lieutenant Roby was promoted to the rank of first lieutenant over nearly 200 second lieutenants. During the remainder of that war he served on the coast of America and commanded a detachment at the burning of New London.

In April 1795 he was promoted to a captaincy, and served in the Polyphemus, 64 guns, commanded by Sir William Lawford, at the battle of Copenhagen, under Lord Nelson; in 1803 he embarked in the Goliah, commanded by Sir Charles Brisbane, where he served till he became a pay-captain, and subsequently a major, in the year 1806; in 1821 he was promoted to a lieutenant-colonelcy, in which rank he remained till he retired from the service in September 1826."

*Rodney, Honourable Ann*; age 60.—£. 240. *Rodney, Honourable Sarah*; age 58.—£. 88.

Granted by patent under the great seal, for life.

Daughters of Admiral Lord Rodney, whose memorable services are stated in the following memorandum:—

" Admiral Lord Rodney.

Admiral	-	-	-	-	-	-	29 January 1778.
Vice-admiral	-	-	-	-	-	-	21 October 1782.
Rear-admiral	-	-	-	-	-	-	19 May 1759.
Captain	-	-	-	-	-	-	9 November 1742.
Lieutenant	-	-	-	-	-	-	15 February 1739.

Entered the service in the year 1730; convoyed 300 merchant ships through the midst of the French fleet when captain of the Plymouth.

He

He took, when commanding the Ludlow Castle, the St. Maloes privateer, of superior force, and was captain of the Eagle in Lord Hawke's action with the French fleet in 1747, and of the Dublin, 74, at the taking of Louisbourg; in 1759, when rear-admiral, he commanded a squadron which bombarded Havre.

In 1762 he took the island of Martinique.

In 1764 he was created a baronet for his important services.

Was governor of Greenwich Hospital for four years, being appointed in November 1765.

In January 1780 he sailed for the relief of Gibraltar, and on the 9th of that month took the valuable Caracca fleet.

On the 27th January he gained a complete victory over the Spanish fleet, under Admiral Langara, when he took six sail of the line.

For this action he received the thanks of both Houses of Parliament.

He afterwards relieved Gibraltar and then proceeded to the West Indies.

On the 17th April 1780, with 19 sail of the line, he engaged the French fleet of 22 line-of-battle ships, under Count Guichen, but, through the misconduct of several of his captains, and the unwillingness of the French to come into action, he was unable to bring on a general engagement.

On the 12th April 1782, he fought the glorious battle, and gained the signal victory over the French fleet under the Count de Grasse, when he took seven sail of the line.

For this brilliant and decisive action he received the thanks of both Houses of Parliament, and was raised to the peerage by the title of Lord Rodney.

He died on the 23d May 1792.

*Rodney, Honourable John*; age 73.—£. 88.

Son of Admiral Lord Rodney, in consideration of whose services this and the other pensions to his family were granted.

*Rooke, Mary Hannah, and Jane Elizabeth*; ages 54 & 59.—£. 120.

Sisters of Lieutenant-colonel Rooke, who served for 17 years, and had received many honorary distinctions; recommended in the public despatches; died of wounds received at Nivelle, within a month after the battle. His father had also served the greater part of his life in the Army.

*Ross, Margaret*; age 77.—£. 97.

Widow of an old officer, who in his latter years filled the office of fort-major at Fort George, where he died. On account of this pension she does not receive the allowance to which she would otherwise have been entitled as an officer's widow.

*Ross, Hannah Monro*; age .—£. 29.

Three brothers of this lady served in the Army, and one in the Navy. All passed their lives in active service, and died shortly after their return.

*Ruthven, Wilhelmina*; age 59.—£. 230.

Daughter of an officer of long service; he served in the American war, where he received a severe wound, which was considered to have been the cause of his death.

*Scotland, Elizabeth*; age 54.—£. 49.

Niece of the late Major David Wilson, of the royal marines, whose meritorious conduct in his Majesty's ship-of-war, Agamemnon, at the mutiny of the Nore, was highly approved of. Widow of a merchant in Dunfermline, who died in distressed circumstances, leaving a numerous family. His eldest son served in the royal marines, but was compelled to leave the corps from ill state of health.

*Sealy, Catherine*; age 28.—£. 43.

Daughter of an officer who had served in the Army. She also lost a brother in the Navy.

*Selwyn, Charlotte, Albinia and Mary*; ages 60, 54 & 52.—£. 243.

Their father was an officer who had served in the American war, and had received a pension of 400*l.*; he applied and succeeded in transferring this larger grant to the smaller amount which is now granted to his children.

*Seymour, Sophia Augusta*; age 67.—£. 81.

Granted on the sudden death of her brother, General Seymour, governor of St. Lucia; he had been 27 years in the service, and perished in the great hurricane in October 1817.

*Shawe, Catherine, A. and Mary*; ages 48, 45 & 54.—£. 95.

Sisters of Colonel Meyrick Shawe. These ladies lost their brothers in the active service of their country; Lieutenant Henry Shawe, of the 74th regiment, and Captain Fielding Shawe both killed in action, and Lieutenant-colonel Matthew Shawe, 87th regiment, who died from fatigue and the fatal effects of the climate of Ava. Lieutenant-colonel Shawe had served with distinction under the Duke of Wellington. He was severely wounded at Assaye, Fuentes de Honor and Badajoz. He obtained the rank of lieutenant-colonel and major for his gallant conduct on the two latter occasions. These pensions are by patent for life under the great seal.

*Shepherd, George*; age 55.—£. 40.

For 13 years employed in the laboratory at Woolwich Arsenal; discharged on reduction of establishment; his father and uncle had both passed their lives in the royal artillery.

*Smith, Lady Ann Culling*; age 70.—£. 600.

This pension was granted in consideration of the services of his Grace the Duke of Wellington at the battle of Vittoria. It was granted without the knowledge of the Duke of Wellington,

Wellington, and previously to his return to England ; neither had it been applied for by the party who now receives it, but was granted by the Crown in consideration of the memorable victory which at that period had been obtained.

*Smith, Dame, Carterette* ; age .—£. 155.

The widow of Colonel Sir George Smith, a distinguished officer who received many wounds, and ultimately died of the malaria ague, contracted when officially engaged in surveying Sicily ; he was three times sent on diplomatic missions to Cadiz and Vienna. The memorandum of the commander-in-chief is to the following effect : “ An excellent officer, served upwards of 30 years ; was at Toulon, &c. ; aid-de-camp to George the Third, and died in Sicily in February 1809.”

*Smith, Isabella Frances, and Johnston Mary* ; ages & .—£. 80.

Daughters of Colonel Walter Smith, royal marines, who had been actively employed throughout the war, and had been present in many of the great naval battles during its continuance. Colonel Smith served under the command of Lord Rodney during the whole period that that admiral's flag was flying in the West Indies, and distinguished himself in every action ; under Lord Howe, on the 1st of June, where his conduct was again remarkable,—the fleet presenting him a piece of plate, accompanied with the thanks of the admiral commanding ; in this engagement he was dangerously wounded ; under Lord Duncan, in the action of Camperdown ; in Egypt, where he served on shore, commanding the marines, who covered the landing ; received a sword of honour, which was presented to him on that occasion ; died in his 48th year from fatigue, and the severe nature of his wounds.

*Smith, Barbara and Harriet* ; ages 54 & 64.—£. 52.

Daughters of a military surgeon, whose health was impaired by being frozen to the ground in the Netherlands.

*Smith, Admiral Sir Sidney* ; age 73.—£. 1,000 four-and-a-half per cent. duties.

The following memorandum contains the statement of the services of this distinguished officer :—

“Admiral Sir William Sidney Smith, K. C. B.

Admiral	-	-	-	-	-	-	19 July 1821.
Vice-admiral	-	-	-	-	-	-	31 July 1810.
Rear-admiral	-	-	-	-	-	-	9 Nov. 1805.
Captain	-	-	-	-	-	-	7 May 1783.
Commander	-	-	-	-	-	-	2 May 1782.
Lieutenant	-	-	-	-	-	-	22 May 1781.

Entered the Navy in 1777.

In 1781, was lieutenant of the Alcide, 74, in Admiral Grave's action off the Chesapeake, and also in several skirmishes between Sir Samuel Hood and the Count de Grasse.

In 1782, was present in Sir George Rodney's action of the 12th April, and was afterwards promoted to the rank of commander.

In 1783, was promoted to the rank of captain.

In 1783, served in the Swedish service, and the King of Sweden conferred on him the order of the Sword for his services against the Russian fleet.

In 1793, being at Smyrna, he purchased a small vessel, and joined the fleet under Lord Hood, in which he served as a volunteer. With a very small force he entered the harbour of Toulon, and burnt and destroyed the French fleet of 10 sail of the line, several frigates, storehouses, &c. &c.

In 1794, was actively employed in the Diamond ; assisted at the capture of a convoy of transports, took possession of the island of St. Marcou, and drove a French vessel of 22 guns ashore.

In 1796, attacked and destroyed a convoy, consisting of a corvette of 16 guns, four brigs &c. under protection of the batteries, near Cape Trebel, stormed and carried the batteries. In the month of April of this year the Diamond was taken by the enemy's gun-boats in the river Seine, and Sir Sidney Smith was committed to the Temple by the French directory, where he remained for two years, from which he effected his escape, and was received by the King on his arrival in England.

In 1798, was appointed to Le Tigre, 80-gun ship, sent on a special mission to Turkey, and was appointed joint-plenipotentiary with the British minister at that court, and co-operated with the Turks against the French.

In 1799, was senior officer of the squadron off Alexandria, which he bombarded, and then proceeded to the coast of Syria, when he attacked the French in conjunction with the Turks, and at the siege of St. Jean d'Acre repulsed Buonaparte ; was granted the dignity of a pasha by the grand seignor, who conferred several valuable presents upon him for his distinguished services in Syria and Egypt.

In 1803, hoisted his broad pendant as commodore in the Antelope, 50 guns, and commanded a squadron on the French coast ; was appointed a colonel of marines, and granted permission to bear several honorary additions to his armorial ensigns.

In 1805, was promoted to the rank of rear-admiral.

In 1806, commanded a squadron on the coast of Sicily, where he was most actively and successfully employed against the French, and granted the grand cross of the Order of Ferdinand and Merit.

In

In 1807, accompanied Sir John Duckworth in the expedition against Constantinople, then proceeded to Egypt, and subsequently commanded a squadron on the coast of Portugal, the royal family of which country placed itself under his protection for conveyance to Brazil.

In 1808, received the high approbation of the Admiralty for his services in the affairs of Portugal; he then proceeded to the chief command on the South American station; was created a knight grand cross of the Portuguese Order of the Tower and Sword.

In 1810, was promoted to the rank of vice-admiral.

In 1812, was appointed commander-in-chief in the Mediterranean, and returned to England in 1814.

In 1815, was nominated a knight commander of the Bath.

In 1821, was promoted to the rank of admiral.

In 1830, was appointed lieutenant-general of marines."

During Sir Sidney Smith's service in the Levant, he states, that he had spent between 8,000*l.* and 9,000*l.* from his private resources for the public service.

*Smollett, Susan*; age 67.—£. 97.

Sister of four officers in the public service; the eldest purchased all his commissions except his lieutenant-colonelcy; he was killed in the campaign in Holland; two others fell, one in the Army, and the other on board an East India ship carrying out troops; the fourth is a captain in the Navy.

*Spearman, A. A.*, and *Young, Margaret*; ages 46 & 31.—£. 120.

Daughters of the late major Spearman; granted in consideration of his long and meritorious services for a period exceeding 30 years; he lost two sons in the Navy.

*Standish, Oliria*; age 60.—£. 66.

This pension is partly connected with military and partly with civil service; the pensioner's father died after 50 years' service in the office of clerk of the Pells; of her two brothers one died in the Army and the other in the Navy.

*Stannus, Caroline*; age 74.—£. 88.

A widow; granted in consideration of the severe wounds received by her husband when serving in the Army at the seige of Havannah, which incapacitated him from any active employment.

*Steele, Jessy*; age 80.—£. 58.

Widow of John Steele, midshipman and lieutenant of the royal Navy, in the reign of George the Second; on the conclusion of the then existing war he entered into trade and made some property, but, on the renewal of hostilities, he took out letters of marque and distinguished himself so much in several engagements, that the underwriters of London presented him with a piece of plate; subsequently, in an engagement with a French privateer of much superior force, he was taken prisoner, having received such desperate wounds that he completely lost his sight; the following year he lost the whole of his property in a hurricane, and came home to his wife blind and poor; the pension was then granted.

*Stewart, Ann*; age 60.—£. 49.

Her grandfather, three uncles and father, all served in the Army; all were severely wounded, and one was killed on duty.

*Stewart, Grace*; age 63.—£. 49.

Only surviving daughter of Major-general Stewart, who carried colours at the battle of Minden, served for the remainder of the war; served in the American war as brigadier-general; commanded at the battle of Utoise where General Green was defeated; was severely wounded and had three horses killed under him; served with the Army in Holland, and, from the fatigue he underwent, caught a dysentery and was sent home and died within three days after his arrival in London.

*Stewart, Elizabeth*; age 82.—£. 49.

Only daughter of Captain Stewart of the 42d, who when young received a wound in battle which disabled him from service, and by loss of blood ruined his health; of her four brothers, three fell in battle, the fourth served both in the Army and Navy.

*Stewart, Elizabeth*; age 83.—£. 97.

This pension was granted in consideration of her grandfather, father, husband and three sons, having all served in the Army.

*Stewart, Jane*; age 61.—£. 49.

Daughter of a lieutenant in the marines, who had served in that corps for 50 years.

*Stoddart, Jane Caroline*; age .—£. 65.

Eldest of the five children of Major S. Stoddart, who was killed by a fall from his horse after 22 years' service.

*Stratton, Lady Emily*; age 64.—£. 177.

Widow of Major Stratton, who had passed his whole life from 15 to 60 in the public service; he was officially employed at the time of his death, leaving a widow and numerous family ill-provided for. This pension is granted for life by patent under the great seal.

*Stuart, Sir Simeon Henry*; age 47.—£. 200.

Served in the Peninsula under Sir John Moore and the Duke of Wellington, having been present at the battles of Vittoria, Orthes and Toulouse. The Committee recommend that this pension should be re-granted for the life of the mother of the party.

## NAVAL AND MILITARY SERVICES.

*Taylor, Thomas Edwards*; age 39.—£. 43.

Son of an officer who died in the public service as paymaster of the forces at Gibraltar.

*Taylor, Lieutenant-General Sir Herbert, and Lady Taylor*; ages 63 & 46.—£. 930.

This pension connects itself with military service, as well as with services to the Crown. Sir Herbert Taylor has been 45 years in the Army; served in Flanders in 1793, having been previously employed in the Foreign-office, and attached by the late Lord Grenville, as secretary to a special mission to the Prussian head-quarters at Frankfort; served the campaign of 1793 as a volunteer, acting as aid-de-camp in the field; appointed assistant-secretary to his late Royal Highness the Duke of York, and served the campaign of 1794 on the staff; military secretary to the late Lord Hareourt and Sir David Dundas, who successively commanded the British troops on the Continent; and continued in that situation till October 1795; aid-de-camp to the Duke of York, and assistant in the office of commander-in-chief. In June 1798, accompanied Lord Cornwallis to Ireland as private secretary and military secretary; private secretary to the Duke of York in 1799; served in Holland in 1799, being present in every action that was fought, as he had been in the greater part of those which took place in 1793 and 1794. In 1805, upon the failure of sight of George the Third, appointed as confidential private secretary, in which situation he continued acting; also as private secretary to Queen Charlotte, until the decease of her Majesty; and as trustee to King George the Fourth till the period of his death. In 1813 and 1814, commanded a brigade in Holland under Lord Lynedoch, and in the latter year sent on a military mission to the Crown Prince of Sweden at Liege. In 1820, appointed military secretary to the commander-in-chief, in which situation he continued till 1827; adjutant-general from August 1828 to July 1830; and private secretary to King William the Fourth from 1830 to the period of the death of his late Majesty.

*Thistlethwaite, Caroline*; age .—£. 40.

Orphan of Major-general Barlow, who died on foreign service, leaving a widow and large family ill provided for.

*Tidy, Mary*; age 50.—£. 100.

Widow of Lieutenant-colonel Tidy, who served 43 years in the Army. He was the officer who negotiated the treaty with the Burmese, and was engaged in quelling the mutiny of Gibraltar. Lieutenant-colonel Tidy died when commanding his regiment in Canada, when the papers for the sale of his commission were actually on their way to England.

*Torrens, Dame Sarah*; age 57.—£. 624.

This pension was granted to Lady Torrens, at the request of her husband, in substitution of a pension to himself, he having but slight reliance upon the duration of his life, with a constitution shattered by grievous wounds, and every species of suffering and hardship incidental to incessant and unmitigated service in every variety of climate, from his first outset in his profession until his return from the Peninsula, on the staff of Sir Arthur Wellesley. The following is a memorandum of the services of Sir Henry Torrens:—"He passed 35 years in the Army; served in the West Indies in 1795; at the taking of St. Lucia was severely wounded; at the siege of Morne Tortune in 1796, in Holland in 1799, and in the battles of the 2d and 6th of October, when he was again severely wounded in both thighs, from which he never fully recovered; commanded the 86th regiment in India upwards of two years, during the whole of the war with Scindia; in 1807, was military secretary in South America; in 1808, military secretary to Sir Arthur Wellesley; in the battles of Rona and Palmyra; returned to England in October 1808, as assistant-military-secretary to the commander-in-chief; military secretary to his Royal Highness the Duke of York from 1809 to March 1820, in which office he continued until his death in August 1828.

*Tracy, Elizabeth*; age 58.—£. 66.

Widow of an officer in the Londonderry militia, in which he had served throughout the rebellion, and until the period of his death, in 1812, when he left a widow and six children in distress.

*Trant, Sir Nicholas*; age 69.—£. 200.

Entered the Army in 1792; served in Holland, at the Cape of Good Hope, Minorca and Egypt; was amongst the detenues at Valenciennes in 1804; received an appointment in the quarter-master-general's department, when, on the breaking out of the Peninsular war, he was instructed to proceed to Portugal and join the royalists in that country; his services are noted in the Duke of Wellington's despatches; he reached the rank of major-general in the Portuguese service, but has for many years received no pay. In 1832 his only son, who had distinguished himself highly, and received public thanks for his services in the Burmese war, died on service in the West Indies.

*Turner, Sarah*; age 65.—£. 42.

Daughter of Captain Sackville Turner. When on his passage to join his regiment he was drowned, together with his wife.

*Turner, Susan and Christian*; ages & —£. 100.

The particulars of this case will be found in the following letters from W. F. Campbell, esquire, M. P., and the Right honourable Sir H. Hardinge:—

Sir,

Sir,

65, Mount-street, 28 February 1838.

I BEG leave to send you herewith, in compliance with your circular letter of the 24th of November last, copy of a letter from Sir Henry Hardinge to Mrs. Turner, dated the 10th of November 1831, stating the grounds on which the Duke of Wellington had originally agreed to place the Misses Susan and Christian Turner, the nieces and adopted children of the late Major-general Turner, on the civil list for a pension of 200*l.* a year, and on which, through my recommendation to Lord Althorp, in 1831, the reduced pension of 100*l.* a year was granted to myself and the Rev. Colin Smith, as their trustees, namely, the strong claims which existed for such a mark of his late Majesty's bounty, in consequence of the very meritorious services rendered to the public by General Turner, especially his energetic and economical administration of the government of Sierra Leone (where he died), whereby, in the course of the first year of his government, he corrected abuses and made savings to the amount of 20,000*l.* a year, and also the relinquishment, before his departure to that government of the military pension of 300*l.* a year, granted to him for the loss of an arm during his military services in the Peninsula, and which till then had been appropriated by him to the use of his adopted children.

Those grounds for the grant of the pension to the Misses Turner I beg may be submitted to the Committee of the House of Commons on Pensions, to whom I trust they will appear to be sufficient for its continuance, and I have the honour to be,

Sir, your most obedient

and humble servant,

W. F. Campbell.

To the Right Hon.  
the Chancellor of the Exchequer,  
&c. &c. &c.

## COPY of a Letter from Sir Henry Hardinge to Mrs. Turner.

Dear Madam,

Whitehall-place, 10 November 1831.

WHEN I saw Mr. Campbell in the House of Commons I understood from him that Lord Althorp had seen the justice of your claims and those of your family to a pension, and that there would be no necessity for me to interfere. You know my readiness to take any steps by which the interests of General Turner's family can properly be advanced, and you also know that I had already received a promise from the Duke of Wellington, when he was first Lord of the Treasury, to place your daughters' name on the civil list for a pension of 200*l.* a year, on the grounds of the strong claims which existed for such a mark of his Majesty's bounty in consequence of the very meritorious services rendered to the public by General Turner.

When I originally communicated with Lord Bathurst, through Mr. Wilmot Horton, and stated to him that General Turner had for years before he went to Sierra Leone, relinquished his military pension of 300*l.* a year for the loss of his arm, for the benefit of your children, and that I could depose, when General Turner had counselled me as to the expediency of his accepting that unhealthy government, that he was persuaded, in case of his death, that the colonial department had the power, and would have the inclination, to continue to his adopted children the military pension they were then in the enjoyment of, Lord Bathurst did not hesitate to make a minute, strongly recommending that the family should be relieved by a pension of 300*l.* a year.

The great difficulty consisted in bringing the case within the regulations as a military office; the claims could only include those of a widow, children, parents or sisters, and the colonial department has no list or fund out of which meritorious servants can be relieved. It was, as you, perhaps, may know, my intention to have obtained the permission of the Government to bring the case before Parliament; and I had already obtained the concurrence and support of Mr. Joseph Hume, not only on the grounds I have already specified, but more particularly because it was known that General Turner had, during the first year of his government, corrected abuses and made savings to the amount of 20,000*l.* a year. There were objections to this course, and, as I have before said, I ultimately succeeded in obtaining in 1828 a promise of the Duke of Wellington to place your daughters' name on the civil list for a pension of 200*l.* a year, and until this could be accomplished, the duke, at my solicitation, granted to you 200*l.* from the royal bounty fund, entirely concurring with me, that the civil and military services of General Turner did justify his recommending his adopted children to a pension of 200*l.* a year.

There can be no doubt that General Turner accepted the command under the persuasion that his probable loss of life would not be the cause of ruin to his family; on the contrary, that he understood the Government had the power, at least, of being as generous to his relatives, if he died in a desperate service, as he had been during his life; and when the services of this officer in the Peninsula are considered, and his energetic and economical administration of the Sierra Leone government for two years, I have no doubt that the present Government will ultimately consent to grant that pension, which it was the intention of the late Government to have granted, on the first favourable opportunity.

If I can in any way be of any use in this matter, and that you will point out the manner, I shall be quite ready, on public grounds, to make any application to Lord Althorp which you may think will assist your object.

I am, dear Madam,

Very sincerely yours,

(signed) H. Hardinge.

Tyrconnell.

Mrs. Turner, Maum, near Inverary.

621.

D 3

*Tyrconnel, Earl of; age 47.—£.445. £.600.*

The first pension is granted to the Earl of Tyrconnel by letters patent under the great seal of Ireland, enrolled in Chancery, and for the term of his life. Lord Tyrconnel is in possession of a second pension of 600*l.*, held during pleasure. The first of these pensions only is placed in the present class, although the origin of both is traceable to the same source; the brother of Lord Tyrconnel was in the diplomatic and military service, and died while acting as military attaché to the Russian Army in the campaign of 1812, in consequence of great fatigue and exposure during the winter. On his death the present pensions were granted. The pension for 600*l.* has been appropriated exclusively to the support of Lord Tyrconnel's mother. The services of the late Lord Tyrconnel are best described in the letters written at the time by Lord Cathcart to the under secretary of State, and by Sir Robert Wilson, who were employed in Russia, which are subjoined:—

COPY of a Letter from Sir Robert Wilson to the Honourable Mrs. Carpenter,

Madam,

Wilna, 20 December 1812.

It is with the affliction of one who has experienced the irretrievable loss of a much-valued and loved friend that I condole with you on the melancholy occasion of your son's decease. The service has lost one of its fairest ornaments, society one of its most accomplished members, and you, Madam, one whose solace in his last hours was to express his affectionate attachment to the kindest of parents. It is impossible for me to attempt any diminution of the calamity by a forbearance from a recital of his merits; you must derive comfort from other motives of resignation to this heavy blow. I will not distress you at the moment by details which at a later period may be some mitigation of your anxieties. I have written fully to my departed friend's brother on the subject, who will make the communication to you. It is my duty, however, to assure you that, during illness, Lord Tyrconnel had the kindest attention and the most skilful treatment, and that the most distinguished honours are paying to his remains by the Prince Kutzow and all the Russian generals.

I trust that you will have fortitude sufficient to encounter this misfortune, and I beg of you to believe that I take all the interest which is inseparable from the affectionate regard and high esteem which I had for the deceased.

I have the honour to be, &c.

Robert Wilson.

(Copy.)

Wilna, 20 December 1812.

I CANNOT express the pain that I feel in the execution of this painful duty to the family of Lord Tyrconnel, who, after an illness of a few days, expired during the course of last night in the house of Mr. Sanders, an English gentleman resident in the university, who kindly received Lord Tyrconnel as soon as he heard of his illness.

In my letter to your mother I abstained from all details; to you I give them that you may mete them out as you think expedient.

It appears that Lord Tyrconnel had originally, in his journey to Smolensko, caught cold and injured his lungs.\* The late rude weather, which his zeal for the service induced him to encounter for many and at all hours, reproduced the disease; but it was not until the 15th that he was sensible of it, and became confined to his bed. Before I arrived, on the 17th, Mr. Sanders had heard of his illness, and took him to his house, where he was comfortably lodged and every attention was given by Mr. and Mrs. Sanders. When I arrived he was much fallen away, complained of great pain in his limbs, coughed occasionally with violence, and at nights became light-headed.

Myself, Captain Dawson and Baron Bircher, my foreign aid-de-camp, saw him frequently; and all his friends would have thronged to attend him, but it was neither proper nor his wish, for he felt uneasy when others were in his apartment.

I thought it right to call in other advice, and Dr. Wylie, the emperor's physician, attended. Last night he thought himself better, and he felt stronger; in the middle of the night he called on his servant to assist him, as he wished some service rendered him, and as he arose, he expired in his arms, without a groan or expression of pain; indeed, throughout he felt no other than what I have stated, nor did he express any opinion from which it could be inferred that he expected a fatal termination to his illness. His greatest delight was to talk of his mother's goodness to him; and when General Tabloukoff told him he should go to England in spring, he earnestly desired he would call upon her, and seemed to feel great satisfaction that she should see some one who had been with him.

I asked him last night, as he seemed cheerful and communicative, if he had formed any wish for a winter residence, as he must not expose his chest to the further virulence of this most extremely virulent season. He said, not decisively, but he thought the sight of old England, his mother, and a few friends he loved, would best re-establish him. I told him the high consideration he had acquired by his manners and conduct in the field, which seemed greatly to gratify him; and he dwelt long upon the affectionate reception he had met with, and the kindness of Admiral Tchichagow. He added, "Until this attack, I had no wish upon the Continent ungratified; I could not have been happier in

\* I think he travelled for 12 days and nights in the open country carts, during the severe winter, to lose no time in joining the Russian armies, and enter upon his duties as military attaché; but his lungs were always strong previously.

in any service." His servant, Abel, attended to him with the affectionate zeal of the nearest relation; a mother's care could not have provided more comforts and aids than he received, and the bed of sickness was never more protected from every neglect that could offend. His funeral is under my direction, and I have performed the melancholy arrangements with all the regard that is due; the marshal, Prince Kutusow, has also shown a particular interest in the performance of these sad ceremonies, honourable to the memory, and so far gratifying to the connexions, of the deceased. Sentries of the imperial guard watch the body day and night, which to-morrow will be deposited in the hall of the university; and for the interment next day two companies of guards are ordered to attend, and the commandant of the city has orders to do whatever I think requisite.

The body will be buried in the burial ground of the protestant church, and the marshal has insisted on erecting the monument.

I have sealed up all trinkets, private letters, &c. in his writing-case, and Abel will carry them to Petersburgh, and then, I presume, to England; but he wants some attention, as his foot is severely frozen. I shall, by the same conveyance, transmit such effects as I think would be valuable to you and his friends, and make all other arrangements that are required, of which I shall afterwards acquaint you. I transmit some of your poor brother's hair; it was cut off this morning. I hope you will be able to console your mother; I am sure this would have been the greatest solicitude of your brother had he foreseen the event, although others would have shared his anxieties for their welfare. Adieu, my dear Lord, and believe me your sincere friend,

*Robert Wilson.*

The following is from Lord Cathcart to Mr. Hamilton, then under secretary of State:

My dear Sir,

St. Petersburgh, 19 (31) December 1812.

It is with great grief I resume my correspondence with you by making a most melancholy and unexpected communication. We have lost Lord Tyrconnel. An inflammation on his lungs, the effect of a cold, and tendency to that complaint, which had existed for some time unknown to me, appears to have been aggravated and increased during the pursuit of the enemy from Borisof to Wilna. I have letters from him as late as the 29th November (11th December), from Wilna.

There are several letters dated the preceding day. He says nothing of his health to me, but on the 29th his bowels were affected and he felt himself ill; this was Friday; on Saturday and Sunday he appears to have kept his room. On Monday an English gentleman belonging to the university at Wilna, whose report is in one of the enclosures, found his quarters, and prevailed upon him to allow himself to be removed to his house on the following day. He was attended by Admiral Tchichagow's physician, and by a medical professor of the college. About this time Sir Robert Wilson arrived at Wilna, and immediately procured the attendance of Dr. Wylie, surgeon to the emperor, who remained with him to the last.

Mr. Saunders' family appear to have administered every comfort in their power, but the complaint in his bowels, with cough, great expectoration and bleeding from the nose and throat increased; still, he did not appear to be aware of his danger, nor was it thought immediate by those about him. On Sunday morning, the 8th (20th) December, he suddenly expired in the arms of his servant, who was administering some ordinary assistance.

He had conciliated to himself the esteem and regard of everybody to whom he was known in this city, and at the Army, but in the Moldavian, with which he had served latterly, he was universally beloved.

Sir R. Wilson and Captain Dawson were constantly with him during the latter part of the week, and his servant, though crippled by having had his feet frozen, attended him with the greatest care and anxiety.

The field-marshall ordered every possible honour to be paid to his memory. Detachments of the imperial guard attended the funeral, and his remains were deposited in the burial place of the reformed church, where the field-marshall insisted on erecting a monument at his own expense. His exertions to join the Army at Smolensko in August were very great, and were noticed by Count Lowenheilm, the Swedish minister, who, apprehending that he was injuring his constitution, prevailed on him to accept a place in his carriage, in his journey back to Petersburgh; but, when I found him here, I was not aware of his having any remains of cough, or any hectic symptom.

You, my dear Sir, will be the best judge how and when to notify these sad tidings. There is a letter to his Royal Highness the Duke of York from Sir R. Wilson, which was sent to me under a flying seal, and which I have now sealed, because of its enclosure. The letter to Mrs. Carpenter contains the details which I have related. When these letters, with the one to his mother, shall have been delivered, I will be obliged to you to deliver those from Lord Tyrconnel himself.

Every care shall be taken of his servant, till a favourable moment arrives for sending him to England. I will write immediately to the field-marshall, to the admiral and to Mr. Saunders, to thank them for their kindness, in the name of his family as well as in my own. It is impossible to have shown more zeal or greater promise than he has done in every situation in which he has acted, since he has left England.

I have, &c.

*Cathcart.*

EXTRACT

EXTRACT of a letter from Mr. Werry, private secretary to Lord Cathcart, to Mr. Hamilton, under secretary of State, received 19 January 1813.

St. Petersburg, 31 December 1812.

We have been greatly shocked by the untimely death of poor Lord Tyrconnel; he died on the 20th, at Wilna, after having kept his bed but five days. The great fatigue of the campaign, added to the inclemency of the season, added to a cold he had long had, appear to have thrown him into a fever, which carried him off before the least danger was apprehended. Never was a man more universally beloved; he had endeared himself not only to every one of us, but to all the Russians, and his death is most sincerely felt. From what I know of him, I am sure this intelligence will make an equally great sensation in England. Though only 24 years of age, he had acquired a great stock of professional knowledge and experience, and was a very promising officer. I became very intimate with him here, and it was impossible to know him without taking a lively interest in his welfare. Both Wilson and Dawson, who were with him at the time, have felt this misfortune severely. It is believed that the cold had settled on his lungs, which were not strong.\* The greatest care was taken of him during his illness, and he died in the arms of his servant, without a groan or struggle; he had been delirious some hours previous. Lord Tyrconnel distinguished himself greatly with General Tchaplitz's divisions, at Zemline, where he was at one time surrounded by the enemy; and has, during this campaign, not only displayed the greatest zeal and intelligence, but shown a sound and accurate judgment in all his opinions. Colonel Rodney will be mortified to learn the loss of so intimate a friend. The young Duke of Oldenburg, brother-in-law to the emperor, has been carried off in nearly the same manner.

COPY of a letter from Sir R. Wilson to Lord Tyrconnel.

My dear Lord,

Kalish, 20 March 1813.

I FELT very deeply the kind expressions of your letter. I have now, in compliance with your mother's wishes, sent her a copy of the design for the monument, and which is now executing; you will give it whenever you think expedient.

You are anxious to hear some particulars of your lamented brother's services. He was in every action with Tchichagow's Army; but the first assault on Borisow, at the Berezina, he was particularly conspicuous; and through that important pursuit from Zembin, which in fact determined the fate of the French army. He was always in the van, and always contributed to the success by his zeal and example.

Admiral Tchichagow and every officer pay this tribute to his military character; and they speak of his social qualities with the affection of a brother.

No individual in his station could be more beloved and ever more regretted. Abel is a very good faithful servant, and merits your consideration. I shall ever be gratified to be preserved in your kind thoughts, and remain,

My dear Lord,

Your very attached friend and servant,

*Robert Wilson.*

The following is a French translation forwarded of the inscription on the monument erected by Prince Kutusow, to the memory of the late Earl of Tyrconnel:—

"D. O. M.

Ici reposent les cendres de GEORGE BARON DE CARPENTER, VISCOMTE DE CARLINGFORD et COMTE DE TYRCONNEL,  
Capitaine au 1<sup>er</sup> Regiment des Gardes de sa Majesté Britannique, Aide-de-camp  
de S. A. R. le Duc d'York.

La Mort lui enleva à sa Patrie, à sa Famille, à ses Amis, à Vilna, le 20<sup>e</sup> Dec<sup>r</sup> 1812,  
à l'âge de 24 Ans.

Le Maréchal Commandant-en-chef des Armées Russes, Prince Kutowskoff Smolinski,  
a fait ériger ce Monument.

Un homme qui par sa conduite aux champs de l'honneur, et l'amenité de ses mœurs,  
s'était concilié l'estime générale."

It will be seen that it is recommended by the Committee that the pension of 600*l.* should cease with the life of the mother of Lord Tyrconnel, to whose use it is now applied.

*Vallancy, Catherine*; age 61.—£. 132.

Daughter of General Vallancy.

STATEMENT respecting the net pension of 132*l.* per annum, regranted and charged on the consolidated fund, by royal warrant of 17th September 1832, pursuant to Act 2 & 3 Will. 4, c. 116, s. 10, 11 and 12, and payable to Catherine Vallancy, or those deriving under her.

In pursuance of King's letter, of 23d December 1790, reciting, "that the House of Commons on the 11th of March preceding resolved that an humble address should be presented to the King, representing that Colonel Charles Vallancy had, with great care, pains, labour and expense procured a correct copy of the Doun Survey, remaining in the library of the French king at Paris, and had deposited same in the office of surveyor-general

\* This is a mistake, however, of Mr. Werry's. His was a remarkably strong constitution.

general in Ireland, and beseeching a reward to be conferred on said Colonel Vallancy;" and further reciting, "that said Colonel Vallancy expressed an earnest wish that provision might be made after his death for his daughter, Catherine Vallancy, and that the Crown was pleased to comply with the same;" and lord-lieutenant's instructions of the 21st of January following issued thereupon; there was placed upon the civil list establishment of Ireland, to continue during the pleasure of the Crown, a pension of 150*l.* a year, in the name of the said Colonel Charles Vallancy, and Catherine Vallancy, his daughter, and the survivor of them; said pension is now payable to James Petterson, by virtue of a power of attorney from Catherine Vallancy, now Lysaght, dated 5th August 1837.

(Certified.)

(signed) *W. H. Hardinge.*

Record-office, Custom-house Buildings,  
Dublin, 24th May 1838.

*Vallancey, Isabella*; age 66.—£. 61.

Daughter of an officer who had served from youth to old age and was present at the death of Wolfe; daughter-in-law of General Vallancey, chief engineer in Ireland; her son served throughout the Peninsular war, and her husband, who had originally served in the American war, was for many years on the staff in Ireland, and acted as aid-de-camp to Sir David Dundas.

*Vallancy, M. Eliza*; age 78.—£. 66.

Granted on the 17th December 1770, to the four daughters of the late Major-general Vallancy, director-general of engineers in Ireland, as a reward for his services in that department. The present lady is the only survivor.

*Vallancey, Fanny*; age 50.—£. 42.

Grand-daughter of General Vallancey, sister to Captain Vallancey, who died, when on service in the West Indies, of a sudden stroke.

*Vernon, Charles*; age 35.—£. 66.

Son of Lieutenant-colonel Vernon, who, after many years' service died when with his regiment in North America.

*Wade, Mary*; age 60.—£. 100. Granted by patent under the great seal, for life.

Widow of Colonel Wade, who had served for 24 years principally in the 95th or rifle brigade; in the West Indies in 1795 and 1796; Copenhagen in 1807; Spain in 1808; South Holland in 1809; in the Peninsular campaigns, having commanded a battalion of the rifles in the battles of Vittoria and Toulouse; a companion of the Bath.

*Welch Marian*; age 63.—£. 50.

Widow of Colonel Welch; this pension was recommended by Lord Cornwallis on the ground of the services rendered by Colonel Welch in the command of the Maryland fencible regiment, and of the losses which in consequence of his steady loyalty he had suffered in America.

*Winthrop, Elizabeth, Jane, Caroline Erskine, Ann Fanbrace, Hay Erskine Shipley, Maria Rodney and George Seale F.*; ages 30, 27, 25, 22, 19 & 16.—£. 240.

Children of the late Rear-admiral Winthrop, who served from 1782 to the general peace and final cessation of hostilities; there being no widow to whom the usual naval pension could be granted, the above pension was settled on them by his late Majesty, who had been a personal friend of the admiral. The services of Admiral Winthrop are stated in the following memorandum:—

"Rear-admiral Winthrop.

This officer entered the service under the auspices of Lord Rodney and was with his lordship in the battle of 12th April 1782; he was made a lieutenant in 1790, and in 1796 was a commander of a sloop of war in which he served at the reduction of St. Lucia; he also captured a large French corvette after a severe action.

His next appointment was to the Undaunted, in which ship he had the misfortune to be wrecked on the Morant Keys.

He was shortly afterwards appointed to another, the Circe, of 28 guns, and served in the expedition to Ostend, where his exertions in landing the troops and getting up the artillery and stores were most conspicuous.

In 1799 he was intrusted with a small command on the coast of Holland, where he was most active in cutting out and destroying several merchant vessels and transports. He assisted also at the capture of the Helder, on which occasion all the Dutch ships lying in the New Deep, together with the naval magazines, containing large quantities of stores, were taken possession of by him, which event led to the surrender of the enemy's ships in the Texel. He also obtained great credit for carrying, by a coup-de-main, a sloop of war and schooner lying in the port of Delfzel, in the river Ems.

He was then appointed to the Stag frigate, and a second time suffered shipwreck in a severe hurricane, when all on board were saved by his conduct and exertions, and the ship burnt without falling into the hands of the enemy; this was in 1800. Prior to his loss, he was employed in the expedition against Terrol.

After the rupture of the peace at Amiens, he was appointed to the Ardent, 64, and in her drove on shore, on the coast of Spain, and destroyed a French frigate.

He was subsequently appointed to the sea service, and ultimately obtained his flag. He died in 1832, leaving six daughters and two sons totally unprovided for. His late Majesty, with whom he served, was personally attached to the admiral, and hearing of the very distressed circumstances of his numerous family, and there being no widow to whom the usual pension could be given towards their support, was most graciously pleased to extend to them his royal bounty."

*Whittingham, Dame Maria*; age 48.—£. 400.

The circumstances of the grant of this pension are stated to be as follows:—

Sir, Hampstead, 19 April 1838.

SIR STAMFORD WHITTINGHAM was employed by Mr. Pitt on a private foreign mission, which required his residence during more than 12 months in Spain, and he returned from this mission just at the period of Mr. Pitt's death, in consequence of which Captain Whittingham's expenses were not at the time repaid, his claim standing over unsettled.

Captain Whittingham was very shortly afterwards employed in the expedition to Buenos Ayres, and on his return was, from his acquaintance with the Spanish language, subsequently sent to Spain immediately on the war breaking out between that country and France; he was the only British officer present at the battle of Bayleu, and was highly recommended by General Castanos to the Duke of York and Lord Castlereagh, in consequence of his services on that brilliant day. During the Spanish war, Colonel Whittingham was, in common with some other British officers, placed by Lord Wellington upon the staff both in Spain and Portugal, as a reward, I presume, for more than usual merit and activity; but Colonel Whittingham having drawn for his pay on only one of the staffs during the war (whilst the other officers similarly circumstanced drew regularly for their pay on both) applied at the close of the war for the sum remaining due to him on the other staff; this, however, it was then thought by the Treasury improper to pay him, as he had not received it at the time, an order of the Treasury having been recently issued, the purport of which was, that, in future, only one staff pay should be drawn for by any officer.

Lord Liverpool, the then minister, allowed that this order operated retrospectively hardly upon Colonel Whittingham, but still declined to vary from the Treasury order; the result, however, was, that in consideration of Colonel Whittingham's two claims, and in reward of his military services, which had been recognized as eminent throughout the war, Lord Liverpool recommended that the pension in question should be granted to Colonel Whittingham's wife, and it has been since received by her accordingly.

I have the honour to be, Sir, your obedient servant,

Hart Davis, Jun.

*Wright, Alexander James*; age .—£. 50. *Wright, Alfred Charles* } £. 100.  
*John*; age .—£. 25. *Wright, Victorine Caroline*; age £. 25. }

The case of Captain Wright is stated in the following memorandum; and it was in consideration of his services that those pensions were granted:—

" Commander John Westley Wright.

Commander	-	-	-	-	-	-	7 May, 1802.
Lieutenant	-	-	-	-	-	-	29 March 1800.

He entered the service in January 1781, and served as midshipman of the Diamond, under Captain Sir Sydney Smith. He was taken prisoner with him in April 1796, in a boat attack, and escaped with him from the Temple, after an imprisonment of two years.

He served as lieutenant of the Tigre, 80, from March 1800 till he was promoted in May 1802, and was in this ship at the memorable siege of Acre, when Sir Sydney Smith rendered such important services to the garrison, which were the means of saving that place, and checking the advances of Buonaparte. The sailors were frequently landed, and on one occasion, in a sortie, Lieutenant Wright, although he received two gun-shot wounds in the right arm, entered one of the enemy's mines and effectually destroyed it, being so exhausted from his wounds as to be scarcely able to return.

He was then unemployed till January 1804, when he was appointed to the Vincejo sloop, employed in carrying on secret communications with the French royalists on the west coast of France. On the 8th May, being becalmed at the mouth of the river Morbihan, he was attacked by a flotilla of 17 guns, brigs and luggers, manned with between 700 and 800 men, and after an action of nearly two hours, was compelled to surrender, having then only about 75 men and boys. He was taken to Paris, and there confined in the Temple as a criminal, and treated with the utmost rigour, and it is strongly supposed that he was put to death by the French in the year 1805; it being given out that he made away with himself on hearing the defeat of the Austrian army, a supposition too preposterous to be entertained."

The following is an additional explanatory memorandum:—

" Memorandum of the circumstances under which a pension of 100*l.* per annum was granted to the three children of the late Captain I. R. I. Wright, R. N.

1st. Captain I. R. I. Wright was the only son of the Captain John Westley Wright, who lost his life under circumstances the most suspicious, in the Temple prison at Paris.

The known fidelity, talents, and acquirements of Captain John Westley Wright had marked him out to his Majesty's Government of that day (1803), as a proper object of their

their confidence, and caused him to be selected for a service of peculiar delicacy, and of a secret political nature, wholly unconnected with his profession. He soon became an object of the most watchful jealousy on the part of the French Government, and when taken prisoner of war, after having most gallantly defended his ship for two hours and a half against an infinitely superior force, he was, contrary to general usage, conveyed to Paris, and kept a close prisoner in the tower of the Temple. He there fell a sacrifice, having been found dead in such a way as concurrently with other circumstances, to leave no doubt of his having been murdered (1804 or 1805). The son still continued, after the death of the father, prisoner of war in France (having been captured with him), where, on account of his name, he became himself an object of peculiar vigilance. He found means, however, to escape from the citadel of Valenciennes, and got clear off to England in 1810.

He was shortly after this promoted to the rank of lieutenant, and subsequently, in 1814, to that of commander.

In 1825, he died of attack of fever, leaving a widow and three children totally unprovided for.

The widow shortly afterwards died, and upon this event, the circumstances of the children, and their father's services, and the sacrifices of their grandfather were represented to the British Government by memorial, and supported by Viscount Sidmouth, who had employed the late Captain John Westley Wright upon the services to which he fell a sacrifice, and the present pension of 100*l.* per annum was thereupon granted to the three surviving children, all minors."

#### *Yeo, Mary and Jane; ages 35 & 32.—£.100.*

Sisters of the late Commodore Sir James Lucas Yeo, who died on service. He had never received any pension, though several times severely wounded. Another brother died in the Navy after 40 years' service. The services of Sir James Lucas Yeo are stated in the following paper:—

Sir James Lucas Yeo was the son of a purser of the royal Navy, and who at one time held the appointment of agent-victualler at Minorca when in possession of the British. Sir James early distinguished himself in his profession. In 1805, when a very young officer, being first lieutenant of the Loire frigate, commanded by Captain F. L. Maitland, he cut out two privateers from the Bay of Camarinus, on the coast of Spain. A few days after, he performed a most daring and gallant exploit by attacking Fort Muros, killing the governor with his own hand, and carrying out a large French privateer pierced for 26 guns, called the Confiance, and a brig pierced for 10 guns. In 1807, in command of the Confiance, which had been purchased with the Surin, he was employed under the orders of Sir Sydney Smith in bringing away the royal family from Portugal. In 1809 he was employed in South America; and after, in conjunction with a small Portuguese force, taking peaceable possession of two districts of French Guijane, he attacked and captured the island of Coyenne, an exploit which reflected the greatest credit on his judgment and bravery.

In 1812 he commanded the Southampton, of 38 guns and 212 men, when he captured the Haytian frigate Amethyst, of 44 guns and 700 men, composed of Frenchmen, Americans and Haytians.

In 1813, with the rank of commodore, he was appointed to the command of the lakes in Canada, where he greatly distinguished himself in several actions against the Americans, as well by his conduct in that difficult command.

He died in 1823, having a mother (query) and two or three sisters, who were entirely dependent upon him, in very embarrassed circumstances. His brother, who was lieutenant in the Navy, had also very much distinguished himself. His death was occasioned by accidentally falling from the mast-head of the ship in which he was serving.

#### PENSIONS CONNECTED WITH DIPLOMATIC SERVICES.

##### *Bloomfield, Lord; age 70.—£.936.*

At the commencement of the regency in 1811, his lordship was appointed chief equerry to the Prince Regent, having previously served his Royal Highness for 11 years. Lord Bloomfield was entitled to a retired allowance of 1,500*l.* a year for his diplomatic services, as set forth in the following official memorandum, which retired allowance was not granted, in consequence of the receipt of this pension, although it is of a smaller amount:—

F. O., 22 February 1838.

LORD BLOOMFIELD was first employed under the Foreign-office on a mission to Hanover in the years 1813 and 1814. Lord Bloomfield was afterwards appointed his Majesty's envoy extraordinary and minister plenipotentiary to the King of Sweden, in April 1823, which post he held until May 1833. Under the regulations respecting the granting of diplomatic pensions, laid down by the select committee of the House of Commons on civil government charges in October 1831, Lord Bloomfield was entitled to a diplomatic pension of 1,500*l.* a year; but as his lordship had the grant of a pension on the civil list, he did not press his claim to the diplomatic pension.

*Burnett,*

*Christian*; age 48.—£. 39. *Helen*; age 53.—£. 39. } £. 117.  
*Lamont*; age 46.—£. 39.

Daughters of a diplomatic servant, who had been 16 years in the service at the court at Berlin. He was obliged to retire, from bad health; and, having been again employed for seven years, was compelled to decline future service from the same cause. A pension of 200*l.* was granted to him, part of which, on his death, was continued to his daughters.

*Cleghorn,*

*Hugh*; age 54.—£. 49. *Janet*; age 51.—£. 49. } £. 196.  
*Rachel*; age 57.—£. 49. *Jane*; age 56.—£. 49.

Children of a gentleman whose influence and services contributed effectually to the conquest of Ceylon, and its annexation to the Crown. At great personal risk Mr. Cleghorn passed through France and Germany, accompanied by a foreign friend; he proceeded to Ceylon. By the influence which he was enabled to exercise over the foreign force, which was then employed in Ceylon, the success of the British Government was complete. Before this task was undertaken, an engagement was made by the Government that the family of Mr. Cleghorn should be provided for by the public. The following is a copy of a letter addressed from Mr. Secretary Dundas to Mr. Cleghorn:—

Sir, Horse Guards, 14 April 1795.

My public despatch conveys to you his Majesty's approbation of your conduct in the negotiation entrusted to your care. I write these few lines in answer to your private letter to me. By the existing Acts of Parliament you cannot (as you are not a servant of the company) be appointed to any situation under the government of India; but you cannot entertain any doubt that your services will be duly rewarded by pecuniary consideration. As soon, therefore, as the objects of your mission are fully completed, you will return to Great Britain, and no delay shall take place after your return in making a liberal compensation to you and to your family for the services you have performed. I do not, therefore, think you need entertain any anxiety on that head. Whatever pecuniary advances you may stand in need of while you remain in India, for the purposes of your mission, will of course be supplied to you by the respective presidencies in India, to which you may have occasion to resort.

I am, &c.

H. Cleghorn, Esq.

(signed)

*J. Henry Dundas.*

*Drake, Francis Horatio Nelson*, and *C. Digby Mackworth*; ages 39 & 37.—£. 200.

Children of the late Francis Drake, who was a diplomatic servant of the Crown from the 4th of September 1790 to the 10th of October 1805, having acted as secretary of legation at Copenhagen, resident at Venice, minister plenipotentiary at Genoa, and envoy extraordinary at Ratisbon and Munich.

*Ewart, John Frederick*; age 51.—£. 93. *Birt, Elizabeth*; age 49.—£. 93. } £. 279.  
*Shaw, Mary*; age 48.—£. 93.

Children of the late Joseph Ewart, who entered the diplomatic service at the age of 23, and served for 10 years without intermission, when he was obliged by ill health to resign the situation of envoy extraordinary to the court of Berlin. He died within a month after his resignation, his health having been much impaired by his official duties, at a period of great political importance and excitement. These pensions were granted, together with one to Mr. Ewart's widow, now deceased. Lord Grenville addressed to Mr. Ewart a letter written to him shortly before his death, from which the following is an extract:—"I have mentioned to Mr. Pitt that part of your letter, which relates to a provision being made for Mrs. Ewart, in the event of your death. I trust that event is far from being likely to happen soon; but, in that case, Mr. Pitt has authorized me to state that he should certainly feel it right to recommend Mrs. Ewart to his Majesty for a pension." Had Mr. Ewart lived, he would have been entitled to a retired allowance of 800*l.* a year. Colonel Ewart, the first of these parties has served 34 years in the British Army, during which time he has been unemployed only 10 months, when placed on half-pay unavoidably in 1817, in consequence of ill health, on returning a second time from the West Indies. He served at the last capture of Guadaloupe, commanded the York chasseurs, and was named in the despatches; served subsequently four years in command of the 67th regiment, with the field force in the Bombay presidency, at the siege of Assaghur; acted as brigadier in 1819; served nine years previously as captain in the 52d light infantry regiment; with that corps he served in the expedition to Copenhagen in 1807; at the battle of Vimiera, where he was wounded; in the campaign with Sir John Moore in 1808-9; on the expedition to the Scheldt in 1809; with the light division under his Grace the Duke of Wellington, from February 1811 to December 1812, during which period he was present at the battle of Fuente d'Honores and Salamanca; also at the sieges of Ciudad Rodrigo and Badajoz, at the latter of which he was again wounded. He receives no pension for wounds; was appointed a companion of the Bath in 1818.

*Fraser, Charlotte Mary Ann and Jane Agnes Wilhelmina*; ages 44 & 40.—£. 389.

Children of the late C. H. Fraser, for many years in the diplomatic service, and grandchildren of James Frazer, who for nearly 50 years was a public servant in the Secretary of state's-office, filling the office of under secretary of state from 1765 to 1783; the father of the pensioners received a pension on retirement, half of which he abandoned to secure this pension to his children; two sons are dead.

*Goddard,*

*Goddard, Isabella*; age 47.—£. 662.

Wife of Archdeacon Goddard, who had served as private secretary to Lord Grenville from 1789, and précis writer in the Foreign-office without salary; then consul-general at Naples and Lisbon, and secretary of embassy to Lord Landerdale's mission in 1806. The transfer of the pension was made on marriage in 1812. The Committee recommend that this pension should be suspended, to take effect only if Mrs. Goddard shall survive her husband.

*Gordon*, Right honourable Sir *Robert*; age 48.—£. 400.

For 22 years in active diplomatic service. In 1832 a bill was introduced by Lord Althorp altering the retiring pensions of ambassadors; this bill was not intended to be retrospective; the names of all those who had already become entitled to pensions on the old scale were therefore given in to the Treasury, as not coming within its operation; on consideration it appeared just that Sir Robert Gordon's name should have been included in this list; but in order to prevent any loose construction from being given to the Act of Parliament, the lesser amount of retired allowance fixed by the Act was granted, and the deficiency was supplied by a pension from the civil list; by this act of his late Majesty, a saving of 400*l.* per annum in the public expenditure was effected.

*Gray, Mary*; age 70.—£. 184.

Widow of David Gray, who was in the diplomatic service of the Crown for 30 years; he served at the court of Dresden, and retiring from ill health received a diplomatic pension, part of which on his death in 1816 was continued to his widow.

*Guydickens, Frances*; age 73.—£. 231.

The grandfather of this lady had filled diplomatic offices as envoy extraordinary to Prussia, to Sweden and to Russia; her father was an officer who served long in the Army; the pension was granted as a mark of royal bounty.

*Hammond*,

<i>George</i> ; age 42.—£. 150.	<i>Margaret</i> ; age 40.—£. 150.	} £. 600.
<i>Edmund</i> ; age 35.—£. 150.	<i>William Andrew</i> ; age 45.—£. 150.	

Children of George Hammond, whose services were as follows:—

Secretary to Mr. Hartley's mission at Paris	- from 1783 to 1784.
Charge d'Affairs at Vienna	- - - from 21 Sept. 1788 to 10 Oct. 1789.
Secretary of legation at Copenhagen	- - from 20 Feb. 1790 to 23 Sept. 1790.
Secretary of embassy at Madrid	- - from 24 Sept. 1790 to 5 July 1791.
Minister plenipotentiary to the United States	- from 5 July 1791 to 30 Oct. 1795.
Under secretary of state for foreign affairs	- from 10 Oct. 1795 to 20 Feb. 1806.
Ditto	- from 5 April 1807 to 11 Nov. 1809.
Commissioner for British claims on France	- from Sept. 1814 to July 1828.

Thirty-four years and a-half.

In the year 1806, when Mr. Hammond was entitled, from length of service, to a pension of 1,200*l.*, a pension of 600*l.* was granted to him, together with pensions of 150*l.* a year to each of his four children.

*Hewgill, Elizabeth*; age 72.—£. 233.

Daughter of Mr. Frazer, who had been employed in the Foreign-office for about 40 years. He served as under secretary of State from the year 1765 to the year 1783.

*Jackson, Laura Henrietta*; age 29, and *Charles*.—£. 200.

Children of Francis James Jackson, for 28 years in the diplomatic service. The services of the late Mr. Jackson will appear from the following memorandum:—

"*JACKSON, FRANCIS JAMES*, Esq., secretary of legation at Berlin from 11 October 1788 to 14 November 1791.

Secretary of embassy and minister plenipotentiary at Madrid, from 14 November 1791 to 4 July 1796.

Ambassador to the Ottoman Porte from 5 July 1796 to 5 April 1798.

Special mission abroad, from Nov. 1801 to April 1802.

Envoy-extraordinary and minister plenipotentiary at Berlin, from 5 July 1802 to 10 October 1806.

Special mission abroad, from July to September 1807.

Envoy-extraordinary and minister plenipotentiary to America, from 26 May 1809 to 14 March 1811."

*Lock, Georgiana C.*, and *Lucy F.*; ages 33 & 36.—£. 288.

Daughters of the late Charles Lock, Esq., who had been in the consular service at Naples and in Egypt. Whilst consul-general in Egypt he died of the plague, leaving his family unprovided for.

*Magra, Emily Elizabeth*; age 59.—£. 194. *Harriet*; age 55.—£. 194.—£. 388.

Daughters of Major P. Magra, who served in the American war, and was afterwards agent and consul-general at Tunis. On his retirement, instead of the full superannuation to which he was entitled, he received a lesser allowance, but, as an equivalent, these pensions were granted to his daughters. He is now deceased.

*Mellish*,

<i>Amelia</i> ; age 38.—£. 100.	<i>Eleanora</i> ; age 31.—£. 50.	} £. 250.
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<i>Elizabeth</i> ; age 20.—£. 50.	<i>Wilhemina</i> ; age 27.—£. 50.
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The late Mr. Mellish was in the diplomatic service of the Crown; he served as secretary of legation in Sicily, as consul in Lucina, and as agent and consul-general at Ham-

burgh. Upon his death, Mr. Secretary Canning recommended to the Treasury the grant of 250*l.* to his widow; this was agreed to, but her sudden death prevented the grant from taking effect. The pension was, consequently, upon Mr. Canning's further recommendation, divided amongst the orphan children.

*Popham, Mary Riggs*; age 71.—£. 50.

Daughter of Joseph Popham, many years consul at Morocco. A pension had been granted in recompense for his services; but both he and his wife dying soon after the grant, the present pension was granted to his surviving orphan.

*Poussett*, the late Mr. *Richard*, four children of; ages 11, 10, 9, & 8.—£. 100.

The father of these pensioners was originally in the commissariat; he then became British vice-consul at Buenos Ayres. In 1830 he was appointed consul at Hayti, but only survived 10 months; his widow and children were left in such distress that the expense of their passage home was defrayed by the Government. The rules of the Foreign-office not granting pensions to the wives or children of consular servants, those pensions were granted on the civil list as an act of royal bounty.

*Ross, Charlotte*; age 38.—£. 194.

Widow of the late J. T. Ross, esq., the son of a messenger in the Foreign-office. Mr. Ross raised himself in the diplomatic service by his own exertions; he was employed for many years under Lord Malmesbury at Berlin, Paris and Lisle, under Lord Carlisle, and in the mission to the Prussian army under Lord Granville in Russia. He had the reputation of having executed all those services with great zeal and ability. He possessed the entire confidence of Mr. Canning, who rated his merits very highly. He died, leaving a widow and three children.

*Rumbold*,

*Emily* (now Madame de *Delmar*) ; age 40.—£. 115.  
*Caroline* (now Madame de *St. Clair*) ; age 52.—£. 115. } £. 230.

The melancholy circumstances under which this pension was granted are described in the accompanying memorandum:

"The father of the above two ladies was diplomatic agent at the Hanseatic Towns and other places for some years of his life; and, during the war, with the consular government of France, he (Sir George Rumbold) was seized by order of Buonaparte, although he was then in a neutral state, and officially employed by the British Government.

He was conveyed to Paris and confined *au secret* in the Temple prison; but the representations of the Prince Talleyrand and of the King of Prussia (on whose territory the unwarrantable seizure was made) saved him from further mischief, with which he was threatened, and procured his release; but the trials he underwent during his confinement, and the illness which ensued, caused his death.

In consideration of his services, and these peculiar circumstances, a pension of 300*l.* nominally, but 230*l.* really, per annum was granted to his widow, which she enjoyed of the period of her death in 1826, when, upon representations of the circumstances under which the original pension had been granted, the British Government, through the advocacy of Mr. Canning, continued the same to the two daughters, above named, of Sir George Rumbold, in equal proportions to each of them."

The former of these ladies being in circumstances which no longer require the continuance of this pension has devoted it to her sister, who is placed in a less favourable position. The Committee are of opinion that provision should be made to enable the Crown to regrant these two pensions to Madame de St. Clair.

### PENSIONS CONNECTED WITH JUDICIAL AND LEGAL SERVICES.

*Baker, Sir Robert*; age 76.—£ 500.

For 22 years police magistrate on active service, having been sent on special duty to Nottingham and Manchester at the time of the riots; he was in charge of the troops and police at the time of the funeral of Queen Caroline. Upon the resignation of Sir Robert Baker this pension was granted.

*Blair*,

*Isabella Cornelia*; age 69.—£. 276.    *Isabella*; age 48.—£. 138.  
*Cornelia*; age 42.—£. 138.    *William*; age 39.—£. 184. } £. 736.

Widow and children of the late Lord President Blair. The Prince Regent bestowed these pensions, unsolicited, in consequence of the president's public service, the well-known limitation of his private fortune, and the universal respect of his profession, and the lamentation of the Scotch people for his loss. A statue by Sir Francis Chantrey was erected at the expense of the Scotch bar in honour of his memory. The solicitor-general for Scotland states, "The lord president was for about three years at the head of our courts, but held the office of solicitor-general for nearly 20 years; he was not only a man of the highest professional character, but in public and private life was universally esteemed." Lord Jeffrey states that he was "a considerable and sound lawyer, and a man of high principle and honour."

*Birch*,

*Birch, Sarah*; age 52.—£. 80.

A widow. Her husband was a police officer from the age of 18 till his death. He was shot by a criminal resisting apprehension, and the surgeons were unable to extract the ball. He was granted a pension of 100*l.*, but died of his wound in 12 weeks; the pension was then granted to his widow.

*Burgh, Ann*; age 63.—£. 177. *Elizabeth*; age 62.—£. 266. *Catherine*; age 67.—£. 222.—£. 665.

Daughters of the late Chief Baron Hussey Burgh. These pensions were granted in consequence of an address from the Irish House of Commons, moved by Mr. Grattan; see under the name "Griffith." They are by patent under the great seal, for life.

*Burnett, Deborah*; age 58.—£. 184.

Widow of an officer who served successively as lord advocate's deputy-sheriff of Haddington, and judge-admiral of Scotland. At his death, his widow and five children were left in necessitous circumstances, well known to the principal judges of the Court of Session, who with others were acquainted with the faithful discharge of his public duties; applied to Government on his behalf, and this pension was granted.

*Campbell, Mary Frances*; age 61.—£. 184.

Daughter of the late Sir Hay Campbell, president of the Court of Session for 19 years.

*Chamberlain*,

*Lucy*; age 52.—£. 66. *Dorothy*; age 46.—£. 66. } *Sophia*; age 40.—£. 66. } £. 198.

Daughters of the late Mr. Justice Chamberlain, of the Court of King's Bench, who died suddenly, after having filled his important office but for a short time; these pensions are granted by patent under the great seal, for life.

*Clare, Dowager Countess of*; age 73.—£. 780.

This pension was granted in consequence of the sudden death of the first Earl of Clare, Lord Chancellor of Ireland. A mistake has arisen, in consequence of the pension list formerly laid before Parliament; and it has been erroneously concluded that a reversion of this pension had been granted: it subsists only for the life of the grantee. Lord Clare had been in office from the year 1783 to 1802; he served as attorney-general and chancellor for Ireland.

*Cockburn, Margaret*; age 64.—£. 46.

This pension is part of one originally granted to a former sheriff of Edinburghshire, father of this lady. It was granted for his exertions in the public service during the long period of 30 years.

*Davidson, Joanna Wauchope, Ann, Elizabeth and Mary*; ages 45, 50, 52 & 51.—£. 116.

The daughters of Mr. H. Davidson, for 30 years sheriff-substitute for the county of Edinburgh. His salary, payable from the Crown, was at first 80*l.* only, and though gradually raised 200*l.* yet its inadequacy was still represented as great, when compared with the importance of the duties of the office. Upon this representation, the above pension was granted. On the retirement of Mr. Davidson he received no pension or superannuation for himself but the salary of his successor was fixed at 400*l.*

*Douglas, Elizabeth*; age 55.—£. 276.

Widow of David Douglas, judge of the Court of Session and Justiciary in Scotland.

*Ellison, Florinda*; age 45.—£. 21. *Susan*; age 43.—£. 21.—£. 42.

Daughters of Dr. Ellison, who was an active magistrate in the county of Mayo, having been the means of bringing to punishment the notorious offender, George Robert Fitzgerald. He is stated also to have rendered services, and sustained losses, upon the landing of the French at Killala. His large family were left in distress.

*Erskine, Erskine*; age 79.—£. 276.

Widow of the late Mr. Henry Erskine, a distinguished advocate at the Scottish bar; twice lord-advocate, but holding the office on each occasion for less than a year.

*Erskine, Margaret*; age 60.—£. 138. *Hampden*; age .—£. 50. *Agnes*; age .—£. 50.—£. 238.

Widow and children of the late Lord Chancellor Erskine.

*Fox, Ann*; age 60.—£. 354.

Widow of the late Mr. Justice Fox, formerly a justice of the Court of Common Pleas in Ireland; pension by patent under the great seal, for life.

*Gifford, Lord*; age 21.—£. 1,202.

Son of the late Sir Robert Gifford; when attorney-general he was offered the chief-justice of the Common Pleas, with the promise of the mastership of the Rolls, on a vacancy, with a peerage, and to sit on appeals in the House of Lords. The inadequacy of his private fortune compelled him to decline this offer; but he was answered, that his services in the House of Lords were indispensable, and that his son should be provided for; on his death, in 1826, this pension was granted. Baron Alderson says, "If ever man was killed by labour, Lord Gifford was; I speak it of my own personal knowledge."

*Going, Joanna*; age 57.—£. 176.

Widow of the chief stipendiary magistrate of the county of Limerick, assassinated in 1821.

*Griffith, Wm. D., Mary Elizabeth, Henry A., Charlotte, George, Charles, Arthur H., Anne and Walter H.*; ages 31, 41, 40, 33, 35, 29, 27, 42 & 43.—Each £.17.—£.153.

Grandchildren of the late Hussey Burgh, chief baron of the Irish Exchequer. On the 16th of October 1783, the late Mr. Grattan called the attention of the Irish House of 621.

Commons to the premature death of Chief Baron Burgh. He stated that that event had inflicted too deep a wound on the community at large and on the House to require any additional colouring from him; he added, that the circumstances of the late chief baron were, at the time of his death, inadequate to his station, four daughters and a son being left unprovided for, and his many virtues and public services demanding that his children should be considered the children of the public. This address was supported by Mr. Yelverton. Mr. Yelverton (afterwards Lord Avonmore) stated, that he knew not in what character the life of the late chief baron was most admirable, whether in his private or public character; as the humane advocate for the unfortunate, the tender husband and father, or as a judge the dispenser of impartial justice tempered with clemency. The address was unanimously voted in consideration "of the integrity and ability of the late lord chief baron on the seat of justice, and for the services which he had done his country." The parties among whom this pension is distributed, in proportions of 17*l.* each, are his grandchildren, the children of an officer who had served in the rebellion of 1798. These pensions are by patent under the great seal, for life.

*Holroyd, Sarah, and Sarah Louisa*; ages 69 & 41.—£. 200.

The widow and daughter of the late Mr. Justice Holroyd. During the greater part of the time he sat upon the bench, the salaries of the judges were much less than they are at present. He received his retired pension for three years only, leaving a widow and 14 children.

*Honeyman,*

Dame Margaret; age 79.—£. 138. Catherine; age 48.—£. 37. } £. 249.  
Margaret; age 46.—£. 37. Jemima; age 39.—£. 37. }

Widow and daughters of one of the former lords of session and justiciary in Scotland.

*Johnson, Catherine Maria*; age 50.—£. 88. Ann Helena; age .—£. 88.—£. 176.

Daughters of the late Mr. Justice Johnson, of the Irish bench. On his appointment to the bench he resigned a compensation allowance to which he had been entitled, and on his retirement from the bench he received but 1,200*l.* a year retired allowance, instead of a full pension of 2,000*l.* On these grounds he repeatedly applied for an increase of his pension, which claim he ultimately abandoned in consideration of these grants to his daughters.

*Kirkpatrick, Isabella*; age 87.—£. 146.

Daughter of a principal clerk of session, and sheriff of Dumfriesshire. On his death he left two daughters unprovided for.

*Law, Jean*; age 72.—£. 97.

Daughter-in-law to the sheriff of Haddington, who had served for 50 years. At the time of his resignation he received but two-thirds or the retired allowance, which he might have obtained in consideration of the grant of this pension to the wife of his only surviving child.

*Loch, Margaret*; age 67.—£. 53. Frances; age 70.—53.—£. 106.

Daughters of James Loch, joint King's-remembrancer in the Court of Exchequer, Scotland. He had purchased the office which he filled, and dying early, the court applied on behalf of his children for a pension, which was accordingly granted.

*Mac Donald, Mary*; age 72.—£. 97.

Daughter of Mr. James Mac Donald, who was sheriff-substitute in Kincardineshire for 25 years.

*M' Cormick, Rachel*; age 49.—£. 49. Helen; age 48.—£. 49.—£. 98.

Sisters; their father was sheriff-depute of Ayrshire for 22 years. This pension was granted on the recommendation of the chief justice clerk, who bore the highest testimony to the long and faithful services of the deceased, as local judge of an extensive county, and as a faithful public servant.

*O' Connell, Louisa and Alicia*; ages 50 & 40.—£. 42.

The father of these pensioners was drowned. Compassionate allowances had been granted to the mother of these pensioners from a local fund, in the Irish Court of Chancery, and afterwards on the Concordatum List. By an arrangement made under the authority of Lord Chancellor Redesdale, the former allowance was withdrawn, and the fund carried to the public credit. The mother of these ladies having died suddenly from cholera, these pensions were granted by the Government of Lord Liverpool. The following letter from Lord Redesdale has been laid before the Committee:—

Madam, Batsford, Morton-in-marsh, Gloucestershire, Oct. 6, 1821.

I AM wholly at a loss in what manner I can forward your wishes. I am not in a situation to obtain any thing now from the Irish government; all I can do is to send your letter to Lord Liverpool, stating your unfortunate situation; but I doubt his ability to do any thing for you. I have stated to him all the circumstances respecting the allowance made to you and your brother, by Lord Clare's directions; and that as long as I remained Chancellor of Ireland, the public had credit for the 500*l.* a year before paid to you and your brother, as a ground for some claim on the public bounty.

I remain, Madam, your obedient servant,

Mrs. O'Connell.

Redesdale.

*O' Driscoll, Dorothea*; age 56.—£. 100.

Widow of an excellent and distinguished member of the Irish bar, who had been appointed chief justice to Dominica, the laws of which he was directed by Mr. Huskisson, then secretary of state, to revise. He had proceeded in the accomplishment of the work,

work, but died before he had received the reward to which he would have been entitled. The circumstances of his widow and six children, and the services and untimely death of the father, led to the grant of this pension.

*Preston, Frances*; age 73.—£. 88.

Widow of William Preston, commissioner of appeals, who died of fever in the discharge of his official duties, leaving a widow and seven children. Mr. Preston was a man of considerable literary acquirements, and partly in reference to them, as well as to his official services, this pension was granted.

*Rae, Dame Mary*; age 71.—£. 660.

Granted in consideration of the services of her husband, Sir William Rae, eight years sheriff of Orkney; 10 years sheriff of Edinburghshire, by the acceptance of which he was obliged to quit the bar; 12 years lord advocate. When examined as a witness before the committee at the reduction of salaries in 1831, Sir William Rae stated that, on accepting the last office, he found fees payable to him, amounting to between 3,000*l.* and 4,000*l.* a year; but as he objected to such a mode of remuneration, he received 1,000*l.* a year instead. The Duke of Wellington, on whose recommendation this pension was granted, stated the reason of the grant in the House of Lords. The pension was unsolicited.

*Rooke, Dame H. S.*; age 73.—£. 233.

Widow of the late Sir Giles Rooke, 15 years a judge. He left a family of nine children, and had served previously to the increase of judicial salaries.

*Sutherland, Louisa*; age 63.—£. 97.

Daughter of James Sutherland, during 30 years judge of the admiralty court at Minorca.

*Swinton, Mary, Harriet and Ann*; ages 67 & 61.—£. 276.

Daughters of Lord Swinton, for 17 years a lord of session and of justiciary in Scotland. Granted on his death in consideration of his services, and the circumstances of his widow and daughters.

## PENSIONS GRANTED IN CONNEXION WITH POLITICAL AND PARLIAMENTARY SERVICES.

*Bathurst, Charlotte*; age 76.—£. 900.

Out of this sum 600*l.* has been granted in reversion to her four daughters. This lady is the widow of the late Right honourable Charles Bathurst, who was 25 years in the public service, as chairman of the Ways and Means, treasurer of the Navy, secretary at War, master of the Mint, president of the Board of Control, and chancellor of the Duchy of Lancaster. These two last offices he filled, with a seat in the Cabinet. Mr. Bathurst, on retiring from office at the age of 70, did not receive any pension for his own services, but a provision of 900*l.* was settled upon his wife and daughters. Mrs. Bathurst is sister to the Viscount Sidmouth, who voluntarily resigned a pension of 3,000*l.* per annum, which had been granted to him; and is also mother to Mr. Charles Bathurst, who in like manner resigned the pension which had been granted to him, and charged on the four-and-a-half per cent. duties, so soon as his circumstances rendered him independent of its continuance. The circumstances with relation to the surrender of pensions by Mr. C. Bathurst and Lord Sidmouth will be explained by the following Treasury minutes:—

COPY of Treasury Minute, dated 10 August 1832.

“ MR. SPRING RICE lays before the board a letter which has been addressed to him by Mr. Charles Bathurst, surrendering, on the part of Mrs. Bathurst, and on his own part, the pensions of 250*l.* and 350*l.* per annum, which they respectively enjoy on the civil list.

Mr. Bathurst states that these pensions were originally granted by his late Majesty, in compensation for his surrendering the patent office of receiver-general of the Duchy of Lancaster, which had been granted to him in 1819 by his late father, when chancellor of Duchy of Lancaster.

Mr. Bathurst adds, that in the altered situation in which he now stands, by the death of his father, and by his succession to the property which he possessed, he thinks it proper to abandon these pensions, as he should have done the office, had it still continued in his hands.

Write to Mr. Bathurst, and acquaint him that my lords will not fail to lay before the King the surrender of the pensions granted to Mrs. Bathurst and himself upon the civil list of his Majesty; my lords duly appreciating the honourable and patriotic motives which have induced him to take this step.

Prepare warrant, reciting the surrender made by Mr. Bathurst, and revoking the grants from the 1st July next.”

COPY of Treasury Minute, dated the 19th February 1836.

“ VISCOUNT MELBOURNE lays before the board the following letter, which he has received from Viscount Sidmouth:—

My Lord,

Richmond Park, 15 February 1836.

I REQUEST the favour of your lordship to lay before the King, with my humble duty, my resignation of the pension of 3,000*l.*, granted to me by his late most gracious Majesty King George the Fourth.

I have the honour to be, with great respect,

Your Lordship's most obedient humble servant,

Viscount Melbourne.

(signed) Sidmouth.

My lords direct that the charge for the pension of 3,000*l.*, granted to the Viscount Sidmouth be discontinued in future from the Consolidated Fund.

Write to Lord Sidmouth, and acquaint him that my lords have under their consideration his letter to Lord Melbourne, of the 15th instant; and add, that they cannot give directions for carrying into effect his lordship's resignation of the pension granted to him for his official services without, at the same time, expressing their sense of the public spirit and disinterestedness which have induced his lordship to abandon his vested right in a pension secured by Act of Parliament; thus diminishing the charge upon the resources of the country."

*Burke*, Representatives of.—£. 1,340 four-and-a-half per cent. duties.

This pension is charged upon the four-and-a-half per cent. duties for the life of the present Earl Spencer, who is 56 years of age.

*Calcraft*, *Caroline Jane*; age 44.—£. 100. *Arabella*; age 43.—£. 100.—£. 200.

Daughters of the late Right honourable John Calcraft, who was an active member of Parliament for 46 years.

*Fox*, *Elizabeth Bridget*; age 88.—£. 936.

The widow of the late Right honourable Charles James Fox.

*Huskisson*, *Eliza Emily*; age 60.—£. 615 four-and-a-half per cent. duties.

Widow of the late Right honourable William Huskisson, whose services in the improvement of the commercial system of this country are at once too recent and too great to render any further explanation necessary; this pension was charged on the four-and-a-half per cent. duties.

*Lefanu*, *Alicia*; age 46.—£. 50.

Niece of the late Right honourable Richard Brinsley Sheridan, and daughter of Captain Lefanu, who served in the Army with distinction for 20 years, and was afterwards 18 years in the barrack department. He died, leaving a widow and daughter to whom pensions were granted; the former is now deceased.

*Noad*, *Maria*; age .—£. 500 four-and-a-half per cent duties.

Sister of the late Mr. Canning, who, on retiring from office, relinquished his claim to a pension in consideration of the grant of this pension to his sister, and of a similar grant to another sister since deceased.

*Sheridan*,

*Charles Kinnard*; age 32.—£. 57. *Francis Cynic*; age .—£. 57. } £. 171.  
Caroline Elizabeth; age 30.—57.

The grandchildren of the late Right honourable Richard Brinsley Sheridan, children of Mr. Thomas Sheridan. No property descended to the latter at the death of his father; Mr. Thomas Sheridan was appointed to a colonial office at the Cape of Good Hope; whatever property he could collect was expended in preparation for his appointment; he survived only two years; pensions were granted to all his children, but the pension of Lady Seymour has, from the period of her ladyship's marriage, been resigned. Those to Mr. R. B. Sheridan and Mrs. Blackwood are not recommended to be renewed.

*Tekell*, Lady Griselda; age 60.—£. 440. *Taylor*, W. Stanhope, S. H. Taylor, T. J. Taylor, L. R. Taylor, F. A. Taylor, E. A. Taylor, and J. Pitt Taylor; ages 40, 37, 33, 32, 29, 28 & 27.—£. 700 on the four-and-a-half per cent duties. *Stanhope*, Lady Hester; age 62.—£. 1,200 on the four-and-a-half per cent. duties.

These pensions were granted to the nieces of the late Mr. Pitt; it was the request of Mr. Pitt, at the period of his death, that if the public services he had rendered his country entitled him to make the request, his three nieces, Lady Hester Stanhope, Lady Lucy Taylor and Lady Griselda Tekell should be provided for; these pensions were in consequence granted.

*Tierney*, Anna Maria; age 73.—£. 400.

Widow of the late Right honourable George Tierney; this pension was unsolicited, and was recommended to the Crown by his Grace the Duke of Wellington, then at the head of the Government.

*Wilson*, *Caroline*; age 52.—£. 276.

Grand-daughter of Charles Townsend, the minister; the pensioner is advanced in life, and in hopeless bad health.

## PENSIONS CONNECTED WITH THE CIVIL SERVICE.

*Adair, George*; age 53.—£. 88.

This pension, though granted for the life of Mr. Adair, now aged 54, was for the use of the late Earl of Clermont and Mr. Fortescue; has passed by will, and is now receivable for the use of four persons, to whom it was bequeathed.

*Babington, Elizabeth F.*; age 60.—£. 43.

Widow of a gentleman who had been 11 years in the immediate service of the Crown; first, as secretary to the Parliamentary board of inquiry; then as magistrate of the fifth division of police, and subsequently at the head police-office, Dublin; in the latter situation he caught a virulent fever from a culprit brought before him, of which he died, leaving a widow with four children.

*Bacon, Henrietta Sophia*; age 50.—£. 100.

Her late husband, the son of the eminent sculptor and royal academician, entered the King's service young, as clerk of the works, at St. James's, Whitehall and Westminster; he devoted himself exclusively and zealously to the service of the public; he died suddenly, at the age of 34, leaving a widow and two daughters unprovided for.

*Baily, Catherine Elizabeth*; age .—£. 100.

Widow of Mr. Baily, of the War-office, who received his appointment as a reward for his father's services; he served for 25 years, during which time he introduced improvements in the system of auditing military accounts, by the application of which to accounts long previously audited, considerable sums were recovered for the public; at his death he left a wife and seven children unprovided for.

*Baker, Lady Elizabeth Mary*; age 58.—£. 445.

Widow of Sir Edward Baker, Littlehales, baronet; he served in the army for 18 years, during which time he was employed in America, and latterly as confidential private secretary to Lord Cornwallis when lord-lieutenant of Ireland. On the departure of Lord Cornwallis from Ireland, he was appointed under-secretary of state for the military department; during 19 years he held the last-named situation this pension was granted as a reward for his services; this pension is granted by patent under the great seal for life.

*Baskerville, Ellen*; age 49.—£. 37.

Widow of a messenger on the Irish establishment; drowned in the performance of his duty; he left a widow and nine children.

*Bernard, F. T., and Margaret*; ages , £. 600.

This pension is granted for life, and is charged on the four-and-a-half per cent duties. It was granted on the retirement of Mr. Scrope Bernard from the office of under-secretary of State.

*Blake,*

<i>Margaret</i> ; age 65.—£. 88.	<i>Honoraria</i> ; age .—£. 43.	} £. 217.
<i>John</i> ; age 35.—£. 43.	<i>Henry James</i> ; age 32.—£. 43.	

The pension of Margaret Blake was originally granted to Lady Errol; upon her ladyship's marriage she applied to Government, and resigned it in favour of an unprovided for sister; the other three persons whose names appear upon this list were the children of the late Lieutenant-colonel Henry Blake, who succeeded in apprehending two rebel chiefs, for whom a large reward had been offered by the government of Ireland; Lieutenant-colonel Blake declined receiving the reward; but on his death, which took place shortly after, these small pensions were granted to his children.

*Bowles, Charles Oldfield, and Elizabeth*; ages .—£. 192.

Mr. Bowles was private secretary to Mr. Goulbourn, during his tenure of office as chief secretary for Ireland; the Committee have found various precedents in which the pensions granted for such services were granted to the party and to his wife, as in the present instance; this pension is granted for life by patent under the great seal, enrolled in Chancery.

*Bradshaw, Lawrence*; age 70.—£. 92. *Augustus H.*; age .—£. 92.

This is one of the earliest pensions upon the list, having been granted prior to 1784; the late Thomas Bradshaw, esq., filled the offices of secretary to the Treasury and lord of the Admiralty; he died suddenly in 1774; the circumstances of the family induced the minister to recommend his children to the consideration of the Crown; a pension of 500*l.* per annum to the widow, and 100*l.* to each of the three youngest children, was accordingly granted. The widow is now dead; two of the children survive. The last named of these two pensions has been resigned; the other is continued; the age of the pensioner is 70.

*Braine, Mary*; age 57.—£. 50.

Widow of John Smith Braine, 42 years a clerk in the Navy Pay-office; he was superannuated, but dying within the first year of the grant of his superannuation allowance, and leaving a wife and eight children, this pension on the civil list was granted.

*Brooksbank, Elizabeth, Isabella and Elizabeth C. Armenia*; ages 54, 29 & 17.—£. 300.

Wife and daughter of T. C. Brooksbank, for 41 years clerk in the Treasury, the duties of which office he has laboriously and efficiently fulfilled; he was confidential private secretary

to Lord Liverpool for 15 years; this pension was granted at the special desire of Lord Liverpool, and as a reward for Mr. Brooksbank's approved services; the strongest testimony to the value of Mr. Brooksbank's services has been borne, after upwards of seven years' experience in the Treasury by the present Chancellor of the Exchequer.

*Bruce, Mary*; age 45.—£. 49.

Daughter of a gentleman who was for many years chief naval officer of the port of Leith; he was drowned by the upsetting of the naval yard boat in the Frith of Forth, leaving a widow and daughter unprovided for; there being some doubt whether the Admiralty could grant the pension, as the office which he held was a civil appointment, this pension on the civil list was consequently granted.

*Bruce, Sir Stewart*; age 70.—£. 177.

Forty-four years in the public service in the Navy, in the Army, where he was twice wounded, and afterwards in the household of the lord-lieutenant of Ireland.

*Buchanan, Elizabeth*; age 82.—£. 97.

Daughter of a gentleman who had served for many years in the Army; afterwards he became lord provost of Glasgow and finally commissioner of the customs: the pension was granted as is stated on the warrant in consideration of his services in the last capacity.

*Burleigh, Ann*; age 60.—£. 88.

Orphan of David Burleigh; for 50 years an officer in the Irish customs, the pension was originally granted to his three children, of whom but one survives.

*Campbell, Helen*; age 63.—£. 97.

Daughter of J. Campbell, in consideration of whose services as receiver-general or customs in Scotland, for nearly 30 years, this pension was granted.

*Cartwright,*

*Sarah*; age 40.—£. 21. *Ann*; age 56.—£. 21. } £. 63.  
*Helena*; age 38.—£. 21. }

Nieces of the late Mr. Vickers, secretary to the commissioners for reducing the national debt in Ireland; he died at the age of 85, having worked in his office till within a week of his death.

*Chalmers, Catherine Forbes*; age 69.—£. 97.

Daughter of a gentleman who had held the situation of accountant-general of excise, Scotland, for a long series of years, and who, on his death, left little or no provision for his family.

*Copinger, Catherine*; age 64.—£. 82.

This pension was granted by the late Lord Liverpool in consideration of the services of this lady's husband in detecting and preventing frauds on the public revenue; he died whilst he was so employed. The correctness and accuracy of this statement has been certified to the Committee by Sir George Harrison, who was assistant-secretary to the Treasury at the time of these transactions, and who was cognizant of all the facts.

*Cook, Mary*; age 80.—£. 200.

Sister of the late Edward Cook; for 40 years in the public service; under secretary in Ireland; under secretary at the Foreign-office; secretary to Lord Castlereagh at the congress of Vienna from whence he was sent on special missions to Rome and Naples; under secretary to the Colonial-office.

*Cornelle, Charlotte Sophia*; age 64.—£. 132.

The husband of this lady was recommended to the Irish government by the commissioners of education, whose secretary he had been, for his indefatigable pains, his capacity and his accuracy; in consequence of the recommendation of this board he was named to an office of the annual value of 700*l.*, but he only held it for one year, dying soon after his appointment; his widow and four children were left in narrow circumstances, and this pension was granted as a reward for his approved and useful public services.

*Cornelle, Elizabeth, Susanna and Louisa*; ages 59, 33 & 27.—£. 88.

Widow and daughters of Captain D. B. Cornelle, who passed his life in the public service; he died at the age of 55; chairman of the Board of Inland Navigation which he had held for 12 years; he left 13 children; this pension is granted by letters patent under the great seal, which contain a reversion for the lives of Susannah and Louisa Cornelle, daughters of Elizabeth Cornelle.

*Joncourt de, Isaac Stephen Louis*; age 81.—£. 177.

The party named has no interest in this pension. This pension was originally granted as a compensation for the abolition of a sinecure office in the customs, and the pension is now payable to Elizabeth Fortescue, who derives her right from the late Lord Claremont, by whom the sinecure office was resigned.

*Courtenay, Ann*; age 54.—£. 300.

Wife of the Right honourable T. P. Courtenay, in consideration of whose long and laborious services, as set forth in the following memorandum, this pension was granted as a provision for his wife and very large family:—

" Clerk in the War-office, clerk in the Treasury, cashier in the Stationery-office, private secretary to the chief secretary for Ireland, deputy-paymaster of the Forces, principal registrar under Land-tax Redemption Acts, secretary to the India Board, vice-president of the Board of Trade: thirty-one years and three-quarters public service."

*Crofton*,

*Crofton, Frances*; age 40.—£.43.

Only surviving daughter of the late Mr. Crofton, for more than 36 years a public servant in the Irish Treasury. His merits and services were stated in the House of Commons on the 10th of June 1816, by Mr. Vesey Fitzgerald, then chancellor of the exchequer, and by the Right honourable Sir John Newport.

The following extract is taken from the debate of Public Revenue Consolidation Bill, June 10, 1816:—Mr. Fitzgerald said, “As to one of those officers, a gentleman holding the highest rank among them, Mr. Crofton, his advanced time of life made it impossible to hope for his services in England, or even in his own country, in an office more eminent, such as he was qualified to fill; that gentleman had been more than 36 years in the public service, and a man of higher honour, of integrity more spotless, of a fidelity more distinguished, or of an equal zeal in the public service he had never known.” Sir John Newport was anxious to express his entire concurrence in what had fallen from the right honourable gentleman respecting Mr. Crofton; he was convinced that there was not in England, in Ireland or in any other country a better or more efficient public officer than that gentleman.

*Croker, Rosamond*; age .—£. 300.

Wife of the Right honourable John Wilson Croker, in consideration of whose long services as secretary of the Admiralty, this pension was granted. Reference being made to the former grants of an analogous kind, the Committee find that the precedents cited are of grants to the widows of public officers. In the judgment of Your Committee, consequently, it is expedient that this pension should be suspended during the life of Mr. Croker, but secured to Mrs. Croker, in the event of survivorship.

*Crosby, Elizabeth*; age .—£. 222.

Granted on the resignation of a patent place given up by the late husband of Mrs. Crosby, Mr. Arthur Crosby. This pension is granted for life by patent under the great seal.

*Cumming, Ann*; age 54.—£. 200.

Granted in consideration of the services of her late brother, Mr. James Cumming, for 30 years attached to the India Board. The sense entertained of Mr. Cumming's services will appear from the following minutes:—

EXTRACT from a Minute by Mr. Williams Wynn, Mr. Freemantle and Dr. Phillimore, dated 3d June 1823, on the retirement of Mr. Cumming.

“CASES will sometimes occur to which the funds of the office are entirely inadequate; such is the case of Mr. Cumming, the present head of the revenue and judicial department. His services in first bringing under the consideration of the board, and subsequently watching with unceasing vigilance, the internal administration of India, and in collecting a body of information upon that subject such as never before existed, would be, even if nothing were regarded but the labour, deserving of a far higher reward than any which he has received or can receive by way of salary.

But when the board consider the great utility of those labours in communicating information, as well to the governments and offices abroad as well as to the board of commissioners and court of directors at home, that part which he has had in framing the instructions which have been sent to India, and in commenting upon the communications which have been received from the several governments, and the serious injury which his health has sustained in the performance of these valuable services, they will at least be satisfied that the efficiency of their department would be greatly promoted by providing a reward for public service so unusual in extent and so great in importance.

The distinguished services of Mr. Cumming have also been recorded in the successive minutes of former boards, and have been repeatedly adverted to in Parliament by those who have had the best opportunity of appreciating their value.

The present board feel it due to Mr. Cumming to express their entire concurrence in the honourable testimony thus borne to his merits; they have had frequent occasion to refer to the interesting and elaborate collection of information with which he has enriched this office, and they have witnessed the zeal and activity of mind with which he has resumed the duties of his situation since his return from abroad, a zeal which, unfortunately, his bodily strength has been unable to support.

Considering, therefore, this peculiar nature of this case, the board think it their duty to bring it before his Majesty's Government, and they request Mr. Williams Wynn to communicate with the Earl of Liverpool, in the hope that means may be found of conferring upon Mr. Cumming an adequate reward for services rendered in an important branch of the general administration of the British empire.”

EXTRACT from the Minute of the Board of Control, dated 25th of June 1816, granting a special allowance to Mr. Cumming of £. 200 per annum.

“To Mr. Jones and Mr. Cumming the board is also pleased to grant a similar special allowance of 200/. per annum each, in consideration of their eminent services in the secret and political department, and in the revenue and judicial department.”

Mr. Cumming's retirement was rendered necessary by ill health, brought on by incessant attention to the duties of his office. The pension was granted to his sister, who was wholly dependent upon him.

*Dean, Mary Beilby, and Laura Catherine; ages 21 & 17.—£.300.*

Granted in consideration of the active and valuable public services of their father, who has spent between 20 and 30 years in the public service, having acted for 19 years as chairman of the Board of Guardians. Since he has filled the office, the consolidation of the English, Irish and Scotch boards has taken place, without leading to any increase in his salary.

*Despard, Eliza; age 57.—£.100.*

A widow. Her husband was comptroller, and afterwards collector, of customs in St. Martin's for five years, where, owing to the incomplete establishment of the custom-house officers, he voluntarily undertook the offices of searcher and waiter on every part of the coast. Those duties proved too much for his health; he fell ill and died, leaving a widow and six infant children. His brother, Lieutenant-colonel Despard, fell at Vittoria.

*Drummond Edward; age 46.—£.250.*

Clerk in the Treasury for 26 years. Acted as private secretary during successive Governments to Mr. Robinson, Mr. Canning, Lord Goderich, the Duke of Wellington and Sir Robert Peel. In 1829, he was appointed King's colonial agent for Jamaica, the duties of which office he performed until its functions were transferred to the office of paymaster of civil services, and the colonial agency abolished under Lord Grey's Government. In consequence of holding this pension, Mr. Drummond did not receive the compensation granted to other colonial agents, whose offices were abolished.

*Drummond, Thomas; age .—£.300.*

Lieutenant Drummond was a distinguished officer of the royal engineers, whose abilities had been shown not only in the trigonometrical survey of Ireland, and the more peculiar branches of his profession; but in the prosecution of various branches of science, in which he has made interesting and useful discoveries, he was employed by the Government of Lord Grey in procuring the statistical information on which the Reform Bill was founded, as well as in determining the boundaries of districts and boroughs. Those services were rendered gratuitously. He was afterwards employed in preparing the bill "for the better Regulation of Municipal Boroughs;" finally, he was employed from April 1832 to April 1834, as private secretary to Lord Althorp, Chancellor of the Exchequer. Mr. Drummond now holds the office of under-secretary in Ireland, during the possession of which office he has declined to receive this pension.

*Dyer, Mary Letitia; age 85.—£.97.*

Widow of the late Thomas Dyer, who served for many years in the Treasury, and who died suddenly when at the point of reaching a chief clerkship's place, leaving a widow and three young children.

*Dyson, Jeremiah, Representatives of; age 73.—£.893.*

Mr. Dyson was for many years a clerk in the House of Commons, afterwards lord of the Admiralty and lord of the Treasury; and when his health failed, cofferer of the household. This pension is granted for life by patent under the great seal.

*Dwight, Susannah; age 63.—£.50.*

Widow of J. Dwight, who for 20 years had been a most laborious and deserving extra clerk at the Treasury. At his death she was left with four children wholly dependent upon her for support.

*Eden, Frances, Honourable; age .—£.203. Eden, Emily, Honourable; age .—£.203.*

*Eden, Mary D. (now Drummond, Honourable); age .—£.203. Eden, George (now Lord Auckland); age .—£.300.—£. 906,*

The first Lord Auckland served in various important political offices:

Under secretary of State	-	-	-	-	-	1771.
Accompanied Lord Carlisle to America	-	-	-	-	-	1773, 1779.
Chief secretary in Ireland	-	-	-	-	-	1780 to 1782.
Envoy to Spain	-	-	-	-	-	1787.
Envoy to the Hague	-	-	-	-	-	1789.
Postmaster general	-	-	-	-	-	1798 to 1804.
President of the Board of Trade	-	-	-	-	-	1806 to 1807.

These pensions were granted in consideration of the services of Lord Auckland, and of the circumstances of his children. On the appointment of Lord Auckland to the Board of Trade, in 1830, he ceased to receive his pension; and the Committee considers that the pension of Mrs. Drummond may be suspended during the life of her husband,

*Ellison, Catharine; age 54.—£. 95.*

Widow of a clergyman who had served as chaplain to the convicts at Bermuda; died in consequence of disease caught in the performance of his duty. This pension is granted by patent under the great seal, and is for life.

*Erck, June Martha; age 76.—£.88.*

Widow of a gentleman who served in the chief secretary's office, Ireland; her son was killed at Albuera after receiving promotion as a reward for military merit. Her husband died suddenly, leaving a wife and eight children.

*Fabian, Robert Crundal; age 54.—£.111.*

Formerly employed in the excise department, and for the last 17 years confidential clerk to the private secretary of the lord-lieutenant. The strongest testimony is borne to the merits of this officer, both by those who originally appointed, and by those who still continue to employ him. This pension is for life by patent under the great seal.

*Fisher,*

*Fisher, Charles Forest*; age 27.—£. 88.

Son of Captain Fisher, aid-de-camp and comptroller in the Duke of Richmond's household when lord-lieutenant of Ireland. His father declined receiving a pension on retirement, but requested that this smaller pension might be granted to his son, which was done accordingly. This pension is for life by patent under the great seal.

*Fitzgibbon, Thomas*; age .—£. 70.

Eighteen years in the service of the revenue.

*Flint, Jane, Charles William, William and Ann*; ages , , & .—£. 53.

This pension was granted to the late Ann Flint and her two eldest children in succession. It was granted in consequence of the death of her husband in the public service. The part given to the widow ceased at her death; the remainder has since been received by the two eldest children; the family is now extinct, with the exception of the present annuitants, Jane and Ann.

*Flint, Dame Anna Maria*; age 53.—£. 266.

Granted in consideration of the services of her husband, who was in office for 39 years. He might have obtained a larger pension for his own life, but he preferred a lesser one for the lives of himself and his wife; he is now dead.

*Forsayeth, Charlotte*; age 70.—£. 43.

Daughter of Samuel Forsayeth, who rose by merit from an inferior station in the excise to the post of inspector-general, and was further promoted to the office of chief clerk under the secretary. He served till declining health compelled him to retire.

*Francis, Elizabeth*; age 79.—£. 48.

Daughter of Thomas Francis, for more than 30 years assistant-solicitor to the Treasury.

*Franklin, Robert Augustine*; age 43.—£. 50.

Employed for 10 years under the Irish government as clerk to the private secretary to the lord-lieutenant, a most confidential situation; Lord Anglesey bears the highest testimony to the value of his services, as does also Mr. Drummond, who states that the rewards he has received are much below what his valuable services deserve.

*Gibbons, Ann*; age 43.—£. 50.

Widow of the late chief constable Gibbons, who was murdered while in command of a police party serving tithe notices, December 1831; he left a widow and six children.

*Gore, John*; age 66.—£. 47.

For 25 years an officer in the Irish household; this pension was granted as compensation for the loss of office.

*Grange, James and Mary Godwin*; ages .—£. 300.

Mr. Grange served for 26 years in the Treasury; he was the companion in early life of the Emperor Alexander, and on that account was chosen to accompany the special mission to his Imperial Majesty at the head-quarters of the allied armies at Toplitz; the emperor recognized him, and stated publicly that he should consider any mark of favour bestowed on Mr. Grange as a personal favour to himself; a pension of 250*l.* was accordingly granted. Previous to the appointment of an auditor to the civil list it was found necessary to check the accounts of the Treasury; this duty was performed by Mr. Grange at a salary of 100*l.* a year additional until the office of auditor was created, when he received a second pension of 50*l.* as compensation. This circumstance was taken into account on his retirement in settling the amount of his superannuation. These pensions are granted for life on the four-and-a-half per cents.

*Green, Alice*; age 67.—£. 86.

Widow of Edward Green, who held the sinecure office of clerk of ships' entries at Cork; when that office was abolished this pension was the compensation which he received.

*Gregory, The Right honourable William and Lady Ann*; ages 75 & .—£. 445.

The long public services of Mr. Gregory appear upon the face of papers already laid before Parliament; the last office which he filled was the important and laborious office of under-secretary of state, in which department he served for 18 years; he was also commissioner of excise for three years; secretary to the inland navigation board for 10 years, and held a subordinate situation in the customs for upwards of four years, making a total of 35 years and nine months of active public service. On granting Mr. Gregory his retired allowance in 1831, this pension was taken into consideration by the Board of Treasury. This pension is for life by patent under the great seal.

*Greville, Algernon*; age 40.—£. 250.

This pension was granted by his late Majesty on the recommendation of the Duke of Wellington, in consideration of the services of Mr. Greville as private secretary to the Duke; Mr. Greville had formerly been in the Army, was present at the actions and operations of the campaign of 1815, acted as aid-de-camp to General Sir John Lambert, as aid-de-camp to the Duke of Wellington when master-general of the Ordnance, and also as private secretary to his Grace. Mr. Greville continued to serve as private secretary whilst the Duke of Wellington was successively commander-in-chief and first lord of the Treasury, as well as during the tenure of office in 1834 and 1835.

*Hamilton,*

*Robert Sackville*; age .—£. 88. *Jane Charlotte*; age 53.—£. 181. } £. 664.  
*Mary and Isabella*; ages 64 & 60.—£. 445. }

These parties, as also Mr. Henry Hamilton, are the children of the late Right honourable Sackville Hamilton, for above 60 years in the public service, filling successively the offices of secretary to the board of customs, under secretary of state, and chairman of the board of inland navigation; in these grants two other children were originally included, who are since deceased.

*Hamilton, Henry*; age 62.—£. 309.

Of this a pension of 123*l.* is held by patent under the great seal, for the lives of the parties; the pension of 186*l.* is held by King's letter. Mr. Hamilton held offices under the Crown as commissioner of customs and patentee officer at ; by the reduction of these offices he suffered a loss of income of 689*l.* a year; and on the abolition of the latter office, which was a sinecure, and abolished in consequence of the recommendation of a select committee of the House of Commons, he received less than the ordinary allowance which in such cases would be granted.

*Hamilton, Catherine*; age 74.—£. 49.

Widow of Andrew Hamilton, for a considerable number of years deputy comptroller of excise in Scotland, and author of "An Inquiry into the Principles of Taxation, chiefly applicable to articles of immediate consumption," a work of considerable reputation in its day; he left a widow and six infant children.

*Hamilton, Arabella*; age 78.—£. 177.

Daughter of a collector of the customs, who served in that office for 11 years; this pension was granted as a reward to her father for his services in checking smuggling upon the eastern coast of Ireland.

*Hamilton, John*, Children of.—£. 445.

Of these Sir Frederick Hamilton, age 60, is the only survivor; his father acted as secretary at War in Ireland, leaving a family of nine children.

*Hargrave, Harriet*; age 68.—£. 50.

Widow of W. Rose, who prior to his sudden death had been for 20 years employed under the Board of Works; his widow was left with six children between the ages of 13 and 1, dependent upon her.

*Harrison, Ann*; age 64.—£. 400.

Widow of the late William Hill, assistant-secretary to the Treasury, who had been in the public service from the age of 20 to that of 50, when he died exhausted by fatigue and abour in the execution of his important duties.

The following memorandum will more fully explain his services:—

"Mr. Hill had been employed in the Land Tax Registration-office for some years previously to 1805, when he was removed to the Treasury.

In 1815, the office of principal clerk-assistant was constituted to assist specially the secretaries in bringing under consideration the various papers requiring the attention and orders of the board, and Mr. Hill was selected to fill that situation, the duties of which he performed so entirely to the satisfaction of the lords of the Treasury, that, in 1816, on the abolition of the office of commissary-in-chief, and the formation of a department in the Treasury to superintend the important duties of the commissariat, Mr. Hill was appointed to preside over it; in this situation he was a pecuniary accountant to the extent of several millions, and passed the whole of his accounts before the commissioners of audit without surcharge or loss of any kind.

In February 1826, Mr. Hill was selected as assistant-secretary; but his health had suffered so much from his previous labours, that he filled that office very little more than two years, having died, while assistant-secretary, in June 1828."

*Hart, John*; age 48.—£. 114.

Filled offices in the lord-lieutenant's household; on his retirement this pension was granted; served also as deputy clerk of the Crown and Hanaper, which office ceased with the life of the late Earl of Granard, and also served in the Army.

*Hasler, Sarah*; age 68.—£. 132.

Granted as a reward for 40 years' service of her father in the household of the lord-lieutenant of Ireland. This pension has been assigned for a valuable consideration.

*Herries, Isabella Maria*; age 48.—£. 230.

This pension is the surviving portion of a larger grant made in the year 1798, by his late Majesty King George the Third, to the then infant daughters of Colonel Herries, in consideration of his services in the command of the light horse volunteers of London and Westminster, by which he was deemed to have contributed materially to the security of the metropolis, and to the preservation of the public peace, during the period of excitement which followed the breaking out of the revolution in France. The high estimation in which the conduct and exertions of Colonel Herries in this respect were held by the King and his ministers, appears to have been the foundation of this mark of the favour and bounty of the Crown. The records of the Home-office, and more particularly the letters of the Duke of Portland, then secretary of state for that department, afford testimony of the importance attached to these services of Colonel Herries at the period when this grant was made.

*Holdsworth,*

*Holdsworth, Elizabeth*; age 78.—£. 233.

Widow of a member of the first commission appointed to inquire into the administration of Crown lands. Upon their report the office of Woods and Forests was constituted, of which Mr. Holdsworth became a member, but died after three months' service, not having received any remuneration for his early services. This pension was granted to his widow.

*Holmes, T. Knox*; age 30.—£. 500.

This pension was granted on the recommendation of the Duke of Wellington to his late Majesty; this grant being incomplete, was carried into effect under the government of Lord Grey. The origin of the pension is to be traced to the services of Mr. William Holmes, father of the grantee, who, from June 1818 to January 1831, filled the responsible office of treasurer of the Ordnance. This office being excluded from the provisions of the Superannuation Act, Mr. Holmes could not receive a superannuation allowance under general regulation, and this civil list pension was granted to his son. The Committee, taking into consideration the period of Mr. Holmes's service as treasurer of the Ordnance, the salary of the office and the analogies derived from the scale of the Superannuation Act, are of opinion that this pension should be re-granted for the life, not of the present grantee, but for the life of his father, in consideration of whose services the grant was made.

*Hore, Elizabeth*; age 50.—£. 132.

Her father was collector of excise at Cork; her uncle was murdered by the rebels at the bridge of Wexford. The pension was granted as connected with the services of the one and the loss of the other; it was granted for life by patent under the great seal.

*Hume, Hannah*; age 73.—£. 88.

Only daughter of Gustavus Hume, who for some years performed the duties of state surgeon to the lord-lieutenant of Ireland. The pension is granted for life by patent under the great seal.

*Humphrey, Louisa*; age .—£. 150.

Widow of a clerk of 30 years' standing in the Council-office, who by his diligence detected and corrected a fraud which had been practised for some years, and by which both the revenue and the public had suffered loss. This pension has been made the subject of legal settlement.

*Hunt, Charlotte Matilda*; age 44.—£. 60.

Widow of J. F. Hunt, 24 years in the public service as clerk of the works at Kensington Palace and Horse Guards. He died, leaving a wife and seven children; she was also the daughter of F. Grobuker, for 35 years a page in the royal household.

*Hutcheson, David Wilson*; age 40.—£. 95.

Son of a deceased collector of excise, who died, leaving a widow and four children.

*Hyde, George Hooton*; age .—£. 48.

This pension was originally granted to the ancestor of the present holder, on the 31st July 1689. The royal warrant states the grant to have been made in consideration of good and faithful services performed to the Crown; those services are stated by the present holder to have been assistance given at the time of the revolution, in the conveyance of despatches. The pension has subsequently been renewed, and the recital of the services rendered to the Crown is again inserted in the subsequent warrants. It is considered and valued by the present holder as an honourable family distinction.

*Jennings, Ann*; age 70.—£. 252. *Robert John*; age 46.—£. 151.—£. 403.

Widow and son of Robert Jennings, for many years chief clerk to the auditor of the Exchequer. Mr. Jennings performed, for a long time, extra duties in the office without any increase of salary; the Government of the day did not think fit to raise the salary permanently, but granted these pensions as an equivalent for the increased duty. Subsequently to Mr. Jennings's resignation the salary was raised.

*Johnston, Edward John*; age .—£. 400.

Mr. Johnston is entitled to a retired allowance as a comptroller of stamps, which has been suspended in consequence of the grant of this pension. The Committee do not recommend the re-grant of this pension, in which case the allowance will be paid.

*Johnston, Edwin*; age .—£. 177.

This pension was granted in consequence of services rendered to the lord-lieutenant of Ireland. It is granted for life under the great seal.

*King, Harriet Margaret*; age 72.—£. 431.

Widow of a gentleman who, being a barrister when offered the situation of under secretary of State, declined to abandon his profession unless some provision were made for his wife. This provision was accordingly made; he remained in office for 38 years, having filled successively the posts of under secretary of State, secretary of the Treasury and comptroller of Army Accounts.

*Langrishe, Hannah*; age 70.—£. 443.

Youngest daughter of the late Sir Hercules Langrishe, friend and correspondent of Edmund Burke; he was for 50 years in the public service. This pension was made a matter of family settlement. This pension is granted for life by patent under the great seal.

*Leees, Edward*; age .—£. 200.

Private secretary for five years to Mr. Huskisson, by whom the grant of the pension was recommended. Mr. Leeves had abandoned his profession as a solicitor to serve under Mr. Huskisson.

*Lushington, Dame Fanny Maria*; age 62.—£. 350.

Granted in consideration of the services of her father, deputy secretary at War, and first clerk in the War-office for more than 32 years.

*Lushington, Honourable Ann*, and four children.—£. 624.

This pension is resigned.

*Lyndon, Ann*; age 80.—£. 21.

The widow of an officer, who for 12 years had been port surveyor at Newry. Exposure to the weather in the execution of his duty, acting on a feeble constitution, produced such illness as compelled him to resign his office; pecuniary misfortunes followed, accompanied by a return of illness, blindness and deafness; he lingered on for some years, and this pension was granted to his widow.

*Marsden, Eleanor*; age 40.—£. 356. *Maria*; age 38.—£. 300.—£. 656.

Daughters of the late Alexander Marsden, appointed assistant to the Irish under secretary of state in the year 1798. The qualifications of Mr. Marsden led the way to his appointment as under secretary, which he held during the successive viceroyalties of Lord Cornwallis, Hardwicke, and the Duke of Bedford; he was subsequently appointed chairman of the Board of Excise for four years, and commissary judge of the mixed Portuguese slave trade commission, so long as it lasted; he received no superannuations, except these pensions, in the first of which he had a life-interest; he is now deceased. It is right to remark, that he was the brother of the late Mr. William Marsden, so long secretary to the Admiralty, whose voluntary resignation of the retired allowance, to which he was entitled for his faithful services, has often been made the subject of comment and of commendation in the House of Commons. This pension is granted for life by patent under the great seal.

*Mears, Sarah*; age 70.—£. 177.

This pension was granted in the place of a superannuation allowance of larger amount which the father of this pensioner might have received; it was originally granted to his wife and daughter but the former is now deceased.

*Minto, Earl of*; age 55.—£. 924.

This pension was granted in consideration of the important public services of the late Lord Minto, who renounced a pension of 2,000*l.* a year, which would otherwise have been granted to him, and accepted a lesser pension, with a reversion to his son, in lieu thereof. This arrangement will be explained by the documents subjoined:—

#### GEORGE R.

WHEREAS, we having taken into our gracious consideration the acceptable services of our right trusty and well-beloved counsellor, Gilbert Baron Minto, as well in the situation of viceroy of Corsica, as in various other public situations of great trust and responsibility, in which we thought right to employ him, are pleased, as an additional mark of our approbation thereof, to grant unto our right trusty and well-beloved counsellor, Sylvester Douglas, and our trusty and well-beloved Sir George Cornwall, baronet, an annuity or yearly pension of 1,200*l.*, to commence from the day of the decease of the said Gilbert Baron Minto, and to be held by them and the survivor of them, and the executors and administrators of such survivor, during the life of, and in trust for such son of the said Gilbert Baron Minto, as shall succeed to the title of Baron Minto. Our will and pleasure therefore is, that you forthwith prepare a bill for our royal signature, to pass our great seal of Great Britain, to contain a grant unto the said Sylvester Douglas and Sir George Cornwall, of an annuity or yearly pension of 1,200*l.*, to commence from the day of the decease of the said Gilbert Baron Minto; to hold the said annuity or yearly pension of 1,200*l.* to them, the said Sylvester Douglas and Sir George Cornwall and the survivor of them, and the executors and administrators of such survivor, during the life of, and in trust for such son of the said Gilbert Baron Minto as shall succeed to the title of Baron Minto, and to be payable and paid quarterly at the four most usual days of payment in the year, by even and equal portions at the receipt of our Exchequer, out of any our treasure or revenue that from time to time shall be, and remain there applicable to the uses of our civil Government. And you are to insert in the said Bill all such powers, directions and authorities as are usually inserted in grants of this nature, and such others as you shall think necessary for rendering our gracious intentions in the premises most firm, valid and effectual. And for so doing, this shall be your warrant.—Given, &c. 26th February 1800, in the fortieth year of our reign.

By his Majesty's command.

(signed) *W. Pitt.*

To our Attorney or Solicitor-general.

*J. Thos. Townsend.*

*Charles Small Pybus.*

#### EXTRACT from Lord Minto's Will, 1st July 1799.

My will and intention is, that the said annuities shall be paid, although it should prove that my personal estate is insufficient to discharge my debts and funeral expenses; and I hereby declare that I have obtained a pension of 1,000*l.* a year for the life of my eldest

eldest son, by renouncing a pension of 2,000*l.* a year, which would otherwise have been granted to me, and accepting 1,000*l.* a year for my own life in lieu thereof, in order as well to improve the situation of my eldest son, as to enable him to pay the annuities to his sisters, without diminishing his paternal fortune; and I rely with full confidence on his affection towards me and his sisters, as well as on the natural generosity and justice of his character, to make this provision for his sisters effectual, notwithstanding any informality in this paper, which I have written on this page with my own hand, and subscribed at Roehampton, the 1st day of July 1799, before Colonel Drinkwater, and John Howden, my servant.

(signed) *Minto.*

Witness, *J. Drinkwater,*  
*John Howden.*

*Mitford, Letitia;* age 59.—*£. 186.*

Widow of the late Robert Mitford, who served many years in the Irish Audit-office, and as private secretary to Mr. Wickham, Sir Evan Napier, Mr. Vansittart, and Lord Farnborough. He was afterwards secretary to the Commissioners of Inquiry and Deputy Privy Seal. His attention to his public duties laid the foundation of an incurable organic disease, of which he died at the early age of 38, leaving five children unprovided for.

*Montgomery, Alfred;* age 24.—*£. 300.*

Was a clerk in the Admiralty, which permanent office he resigned, to accept that of private secretary to Lord Wellesley. In consideration of this, the pension was granted.

*Mountjoy, Representatives of Lord.*—*£. 177.*

Held for a life aged 65. Granted by patent in consideration of the resignation of the patent office of one of the keepers of the Phoenix park; the circumstances are set forth in the following memorandum:—

STATEMENT respecting a net pension of 177*l.* per annum, re-granted and charged upon the consolidated fund by royal warrant of 17th September 1832, pursuant to Act 2d & 3d William 4, cap. 116, and payable to the representatives of the Right honourable Luke Gardiner, created Lord Mountjoy:—

KING GEORGE THE SECOND, by letters patent under the great seal of Ireland, bearing date the 23d September, in the 30th year of his reign, granted unto Charles Gardiner, esquire, the office of one of the keepers of the Phoenix park near the city of Dublin, with the lodge, gardens and other appurtenances thereunto belonging, to hold same to the grantee, his executors, administrators or assigns, for and during the lives of his two sons, Luke Gardiner and William Gardiner, and the life of the longer liver of them.

Charles Gardiner dying, administration of his goods and chattels, rights and credits, was granted out of the proper ecclesiastical court to said Luke Gardiner, who agreed to surrender to the Crown said letters patent, and the office thereby granted, upon receiving a pension of 200*l.* per annum late currency.

In consequence of this agreement, King George the Third, by letters patent under the great seal of Ireland, bearing date the 26th day of August in the 26th year of his reign, granted unto said Luke Gardiner, by the description of the Right honourable Luke Gardiner, his executors, administrators or assigns, an annual pension or annuity of 200*l.*, late Irish currency per annum, chargeable upon the revenue of this kingdom, to hold same from 1st May 1786 for 99 years, provided the lives of Alexander Lynar of the city of Dublin, and John Revell of the county of Wicklow, should last so long.

Said Gardiner, two days after the date of said patent, namely, on the 28th of August 1786, in consideration of the sum of 2,400*l.*, late Irish currency, assigned, transferred and made over said pension and the patent granting same, to Alexander Lynar, one of the two lives upon which the continuation of the pension depended.

I do not find, upon reference to the records of this department that upon the demise of the Crown there was any renewal by grant under the great seal of Ireland of the letters patent, granting the pension under consideration from the date thereof to the present period.

Said Lynar died, and by his last will nominated Daniel Mills King his sole executor, to whom probate was accordingly granted in due form by the proper court.

Said executor also died, and by his last will appointed Daniel Mills executor, to whom probate was also in like manner granted; and said Daniel Mills, by power of attorney, (which misquotes the original title to the pensions) dated 12th April 1823, appointed James Duggan his attorney, who received up to the last payment authorized to be made.

(Certified.)

Record-office, Custom-house, Dublin,  
27 April 1838.

(signed) *W. H. Hardinge.*

*Mulgrave, Countess Dowager;* age 67.—*£. 800.*

Widow of the late Earl Mulgrave, who had filled, during 17 years, some of the highest offices in the state; he served as paymaster-general, chancellor of the duchy of Lancaster, and, for the last year of Mr. Pitt's life, as foreign secretary; from 1808 to 1810 he acted as first lord of the Admiralty, and from 1810 to 1818 as paymaster of the Ordnance; he continued for some short time in the cabinet without office; on his retirement he did not claim the service pension to which he was entitled, but a pension of smaller amount was settled, in consideration of his services, upon his widow.

*Napier, Lady*; age 43.—£. 484.

The widow of the late Lord Napier, whose melancholy and premature death in China, where he was appointed chief commissioner, will be fresh in the recollection of the House,  
*Napier, Louisa*; age 59.—£. 251.

One of the nine children of the late Colonel George Napier, comptroller of army accounts in Ireland, in which department he detected and corrected many errors, saved large sums to the country, and established an improved order of business; he died at the age of 53. Colonel Napier had also served in the Laboratory at Woolwich, where he had prosecuted some useful and important experiments.

*Napier, Caroline*.—£. 97.

The Committee do not recommend that provision should be made for the re-grant of this pension.

*Neale, Mary*; age 57.—£. 23.

Granted as compensation for the abolition of an office connected with the linen board of Ireland.

*Newenham, Thomas*; age 72.—£. 177. *Newenham, Robert O'Callaghan*; age 68.—£. 265.  
—£. 442.

The history of this case as laid before the Committee, by the explanations of one of the parties, is a most peculiar one; it is stated that the trustees of the marriage settlement of their father, the late Sir E. Newenham, had purchased the collectorship of Dublin to raise a fund for the benefit of his younger children; the father was dismissed from the office which he had so acquired, in consequence of having voted in the House of Commons against the American war; at this period officers of the revenue were eligible to sit in Parliament; he petitioned the Government for compensation, and ultimately obtained these pensions for his sons. The latter pension has been, for several years, assigned for a valuable consideration, and the original grantee receives no present benefit from the grant.

*Nicolay, Maria Georgiana*; age 55.—£. 250.

Widow of a chief clerk at the Treasury, who died at the age of 50, leaving her and eight children unprovided for; the eldest of the three sons died in the Army.

*Parks, W.*; age .—£. 321.

STATEMENT respecting net pension of 321*l.* per annum, re-granted and charged on the consolidated fund of Ireland, by royal warrant of 17th September 1832, pursuant to Act 2 & 3 William 4, cap. 116, and payable to William Parks or those deriving under him.

By King's letter, dated 28th December 1786, reciting that it was desirable that the officers who had the care of the Phoenix park should not continue to hold under tenures by which their offices might fall into the hands of deputies not under the control of the lord-lieutenant of Ireland, and that in consequence, arrangements were made by which Sir John Blackquire was induced to surrender his office of bailiff of said park, provided he received 350*l.* a year net, to be granted for him to William Parks, esq. for three lives, with which tenure said Blackquire would be satisfied instead of the tenure of four lives by which he held said office. The lord-lieutenant of Ireland was directed and authorized, upon a due surrender being made by said Blackquire of his patent of the office of bailiff aforesaid, to cause letters patent to be passed for said pension accordingly.

By letters patent under the great seal of Ireland, dated the 24th of January 1787, there was granted unto William Parks, jun. esq., his executors, administrators and assigns, an annuity or yearly allowance of 350*l.* net, to be placed upon the civil establishment of Ireland, under the head of Incidents; to hold, receive and enjoy same to the said Parks, his heirs, executors, administrators and assigns, for his own life and the lives of Robert Watson Wade, esquire, and Robert Shaw, jun., eldest son of Robert Shaw, of the city of Dublin, esquire, and for the lives of the survivors and survivor of them.

By deed of declaration of trust, dated 9th May 1797, said grantee, Parks, acknowledged and declared that his name was only used in said letters patent, and that the said annuity of 350*l.* was so granted to him in trust, to and for the use, benefit and behoof of Robert Watson Wade, one of the lives for which said pension was granted, his heirs, executors, administrators and assigns, and therefore the said Parks, in consideration of 10*s.* sterling, granted, assigned and made over unto the said Robert Watson Wade, his heirs, executors, administrators and assigns.

By indenture of 1st January 1793, said Wade, in consideration of a sum of 6,300*l.*, mortgaged that pension, with others, to Thomas Higginbottom, of the city of Dublin, esquire.

It appears that after this time said Wade got into considerable difficulties, and that by indenture of 12th February 1802, he, with the consent of his several creditors, and for their benefit and advantage, assigned, transferred and made over unto William Parks the several pensions, annuities and other property therein named, and his right, title, interest and equity of redemption in and to the said mortgaged annuity, the subject of this paper, upon the trusts, and to and for the intents and purposes by said deed expressed and declared.

It appears that the said assignee and trustee, William Parks, fell into a bad state of health, and became otherwise unfit for business, wherefore the said Wade and Parks, with the concurrence of the other creditors, by indenture of the 28th October 1831, substituted George Thompson, of the city of Dublin, esquire, as trustee in the room of said William Parks.

The

The pension under consideration has since continued to be paid to said George Thompson.

(Certified.)

Record-office, Custom-house buildings, Dublin, (signed) *W. H. Hardinge.*  
2 May 1838.

*Peace, Elizabeth*; age 75.—£. 150.

Widow of Mr. Charles Peace, from 1772 to 1806 an efficient civil servant; when by an attack of paralysis, he was deprived for many months of his mental faculties. He died in 1820, when this pension was granted to his widow.

*Pennell, Rosamond*; age 28.—£. 100.

Granted at the personal desire of his late Majesty King George the Fourth, as a proof of his Majesty's gracious favour, and is connected with the public services of Mr. Croker, by whom this lady had been educated from a child. Mr. Croker had resigned the office of paymaster of widows' pensions, and for such resignation had not received any compensation.

*Penrose, Jane*; age 78.—£. 43.

Widow of Thomas Penrose, clerk and inspector of civil buildings in Dublin. His death, which took place immediately after the burning down of the Irish House of Commons, was accelerated by fatigue and over-exertion at the time of the fire, as well as in preparing a temporary place of meeting for the House.

*Proctor, Ann Jane*; age 53.—£. 21. *Pain, Ann Jane*; age .—£. 17.

This pension was granted in consideration of the services of the father of these ladies, 50 years a clerk in the Chief Secretary's Office, Dublin.

*Ready, John*; age 62.—£. 177. For the lives of his daughters, *Susan*, age , and *Mary Jane*, age 27.

Served as private secretary for 11 years to the Duke of Richmond and Lord Whitworth, lord-lieutenants of Ireland. Granted by patent under the great seal for life.

*Ready, Charles*; age 25.—£. 177.

This pension was granted by the late Earl Whitworth, when quitting the lord-lieutenancy of Ireland, in consideration of the services of Colonel Ready, as private secretary to the lord-lieutenant.

The pension was originally granted for the life of two gentlemen, but now stands for the life of Mr. Charles Ready alone. It is stated that the amount was lessened in consequence of the insertion of the two younger lives in place of the life of Colonel Ready.

The grant is made by patent under the great seal.

*Renny*,

*Mary Jane*; age 44.—£. 88. *Elizabeth Agnes*; age 38.—£. 88. } £. 264.  
*Isabella Frances*; age 36.—£. 88.

Daughters of Surgeon Renny, whose services as a member of various charitable institutions and of boards acting gratuitously for special benevolent purposes recommended his daughters to the favourable consideration of the Irish government. The following letter explains the nature of this case:—

Army Medical office, Dublin,  
6 December 1837.

Sir,

A LETTER bearing your signature and dated Downing-street, 4 November, addressed to my eldest daughter, marked "Private Circular," on the subject of pensions, contains the following paragraph, namely, "That in all cases where the origin of these grants can be traced to the public service of the grantees, their friends or relations, or to other causes creating a just claim on the bounty of the Crown, it will be most desirable that these causes should be stated, in order to afford the most conclusive and satisfactory evidence to the Committee." This request necessarily calls upon me to trouble the Committee with a brief statement of my public services, unconnected with the office I hold of director-general of military hospitals, and head of the army medical department in Ireland.

Having settled in Dublin, in my professional capacity, in 1783, when placed upon half-pay as surgeon of the Athol Highlanders, I was enrolled as an original member, when the Royal College of Surgeons in Ireland were incorporated by charter in 1784, which caused me to make strenuous efforts to further the interest of that institution; and those efforts were continued during a period of eight or ten years, and obtained grants of money from the Irish parliament, amounting in all to 28,500*l.*, which grants were judiciously expended in the purchase of ground, and in the erection of the college and museum in Stephen's-green. From this era may be dated the establishment of a school of practical anatomy and surgery in Dublin, equal in extent and general character to any seminary of the same kind now existing in Europe. My next labours were directed to the Foundling hospital in Dublin, in which neglect and mismanagement had prevailed to an enormous extent, as a reference to the records of the Irish parliament will show that in the seven years' admissions of infants into that charity prior to 1797, nearly 6,000 were supposed to labour under the venereal disease; all of whom, with the exception of one infant, died in the infant nursery. Upon my election as a governor at the close of that year, I felt it to be my duty to examine closely into this matter, the result of which examination convinced me that this disease rarely existed amongst the infants; and that the mortality above alluded to was solely ascribable to neglect on the part of the medical officers, nurses and servants of the charity. This opinion I announced to the board; that I was ready to prove, provided a skilful surgeon was appointed to examine each infant brought to the hospital-gate, to separate the healthy

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from the diseased, to divide the whole into distinct classes, and to place each class in separate apartments in the hospital, under proper medical treatment. This proposal was acceded to; and it is only necessary to state, that the admissions during the next six months showed that, in 1,500 infants, the total of the venereals did not amount to 1 in 40, including doubtful cases; and the average during 20 years afterwards never amounted to 1 in 80.

I have only to add to a very melancholy detail, that the entire of the medical officers were dismissed, the old board dissolved, a new close board formed, in which I was a constant attendant for 22 years.

My next labour was during the administration of Earl Hardwicke, who nominated me, in conjunction with six other members, as a commission, to inquire into the conduct of the paving board, then under the immediate control of Lord D. Blaquire, and particularly to report upon the expenditure of the funds during 20 years preceding.

It is only necessary to state, that the result of a laborious inquiry, which lasted many months, it was established by evidence not attempted to be impugned that abuses of such magnitude had prevailed throughout that entire establishment as fully warranted its immediate dissolution, which took place in a short time thereafter, when a new board was formed. His Excellency was pleased, in a short time subsequently, to grant me 300*l.* a year, as a salary for extra services, to be charged in my annual account with the public, with a kind permission to propose to a future existing Government that the above salary should be appropriated in the way of pension to Mrs. Renny or any branch of my family. I drew this income in the way above set forth until some time after Lord Talbot's arrival in Ireland, who was upon application kind enough to confirm Lord Hardwicke's original intention by allowing each of my three daughters to be placed in rotation on the pension list during three successive years, the amount of said pension to be deducted from my extra salary from the date of each grant, which was done accordingly.

It may be further stated, that at the desire of Government, I was nominated a permanent governor of the Cork-street fever hospital, which situation I still hold, and can aver with great truth that it has proved, during the last 30 years, one of the most useful and esteemed charities in the metropolis.

Whilst so employed, I had the good fortune, in conjunction with a few benevolent men, to procure the erection of 40 fountains in the liberty, supplied with water from the Grand Canal, which has greatly conduced to the health of the poor persons who inhabit this district of the city.

The sufferings of the poor in Dublin from the high price of provisions in 1800 and 1801, and the prevalence of contagious fever in 1817, 1818 and 1819 and subsequent years, made it necessary to appoint a permanent board, which met at the Castle for a long period, to inquire into all reports made to the lord-lieutenant as to the remedial and pecuniary measures to be adopted to meet very extreme distress which prevailed through Ireland at large. In conjunction with six other persons, I took an active part in the duties which devolved upon this board, and the letter under the signature of Mr. Goulburn, herewith enclosed, marked No. 1, will show the sense entertained by the Marquis of Wellesley of those exertions.

In drawing near to the conclusion of a long letter, I have to add, that in compliance with the wish of the Right honourable Robert Peel, I undertook to become a member of a board for erecting lunatic asylums in Ireland, a work which occupied much of my time, which was finished at the end of 17 years to the satisfaction of all parties concerned, and which, I am happy to state, has afforded great relief to a most necessitous and neglected description of sick poor.

When this business came to a close, and the expenditure accounts finally audited, I received a letter from Sir W. Gosset, dated 19th March 1835, a copy of which I transmit for your perusal, accompanied with a printed paper. And here my labours have closed, as in my 81st year I no longer contemplate the performance of any duties extra to my office.

Reluctantly compelled, for the sake of my daughters, to occupy so much of your valuable time by an enumeration of professional services in Ireland, I venture to entertain a confident hope that the Pension Committee will confirm a bounty granted to my family by Lord Hardwicke, without solicitation on my part, and confirmed by Lord Talbot, who was pleased to say, his consent was given not as a personal favour, but as a reward for public services.

I have the honour to be,

With great respect, Sir,

Your most obedient servant,

*G. Renny.*

The Right honourable T. S. Rice,  
&c. &c. &c.

(No. 1.)

Gentlemen,

Dublin Castle, 17 September 1822.

I HAVE received and submitted to the lord-lieutenant your letter of the 31st ultimo, in which you announce the termination of your labours, and submit for his Excellency's consideration such observations as the documents which have been laid before you appear to suggest.

In acknowledging the receipt of this your last but not least important communication, his Excellency cannot omit the opportunity which it affords of expressing his sincere acknowledgments

acknowledgments for the services you have rendered to the country. On all those painful occasions in which it becomes necessary for a Government to interfere for the relief of a distressed population, the efficacy of that interference must depend, not so much on the amount of the relief afforded, as on the manner in which it is applied ; that it is one of the many misfortunes incident to such emergencies, that the Government itself possesses very imperfect means of correctly ascertaining the details by which the distribution of relief to be effectual should be regulated. By voluntary offering yourselves at a moment of great public difficulty as intermediate agents between the Government and the distressed, you ensured an effectual application of the funds placed by Parliament at his Excellency's disposal, and if your labours had been limited to the discharge of this voluntary duty, you would have been fully entitled to his Excellency's acknowledgments ; but when his Excellency considers the ability and judgment with which you have discharged the variety of duties incident to your situation having rendered the complete relief of the suffering poor compatible with an economical administration of the funds assigned to you, and when he reflects that amid so vast a mass of application as was made to you, you have so discriminated as not to give rise to one well-founded complaint of abuse, his Excellency feels that he should not be doing justice to your conduct if he forbore to convey to his Majesty, through the secretary of state, his opinion of the extent of your labours, and of the zeal and discretion with which they have been uniformly discharged.

His Excellency is aware that the consciousness of the benefits which you have conferred on the suffering poor will be to you a source of most sincere satisfaction, and an ample reward for your labours ; but he, nevertheless, cannot satisfy his own mind without thus distinctly recording his sense of your services, and bringing them directly under the notice of his Majesty.

I have, &c.

The Commissioners for the Relief of  
Distressed Poor, &c. &c. &c.

(signed) *H. Goulburn.*

(No. 2.)

Gentlemen,

Dublin Castle, 19 March 1837.

I HAVE had the honour of laying before the lord-lieutenant your letter of the 12th inst. requesting to be relieved from any further arrangements connected with your offices as commissioners for the erection of lunatic asylums, as the intentions of the original commission have been fully answered by the erection of lunatic asylums for every county in Ireland.

I am directed to acquaint you that his Excellency has been pleased to direct the commissioners of public works to undertake any duties which may subsequently arise connected with those asylums.

His Excellency in thus relieving you from the duties of this commission has commanded me to convey to you the strongest expression of his best thanks for the valuable services you have performed for Ireland, by bringing this great work to a satisfactory conclusion.

The recollection of your having been mainly instrumental, by your judicious and laborious exertions, in the formation of those great receptacles for the most afflicted of God's creatures, must ever be to you a source of the most heartfelt satisfaction.

I have, &c.

The Commissioners for the Erection  
of Lunatic Asylums.

(signed) *W. Gosset.*

*Rich, Sir George*; age 58.—£. 132.

Served in the Irish household for above 17 years, and received no superannuation allowance on retirement ; this gentleman had been run over by the carriage of the Duke of York, by which his skull was fractured, and two of his ribs broken ; he also suffered from another severe accident received on duty when in Ireland. Granted by patent under the great seal for life.

*Roberts,*

*Jonathan Bruce*; age .—£. 132.    *Charlotte*; age 47.—£. 132. } £. 396.  
    *Trail, Rev. Anthony*; age .—£. 132.

These pensions are granted by patent under the great seal for life ; these pensions were granted as compensation for the resignation of an office in Ireland, held by the late W. W. Gayer, clerk of the Parliaments.

*Ros de, Lady Georgina*; age .—£. 200.    *Fitzroy, Lady Mary*; age .—£. .

Daughters of the late Duke of Richmond, for whom no provision was made by family settlement. His grace served in the army at St. Domingo, Gibraltar and elsewhere, and also as lord-lieutenant of Ireland during seven years. The Duke of Richmond was ultimately appointed governor-general of the British North American possessions, where he perished by a melancholy and unexpected death. Upon his decease pensions were granted to his daughters ; of those the pensions to Lady Jane Peel and Lady Louisa Tighe were resigned upon their respective marriages. The pension of Lady Sophia Lennox has also been resigned on her ladyship's behalf by his grace the Duke of Richmond, who has replaced the amount from his own resources. The two remaining pensions have been legally settled on the marriages of the respective ladies, and are now vested in their trustees. The pension of Lady Mary Fitzroy to a similar amount is noticed in another part of this Appendix.

*Russell, Lucy*; age 80.—£. 18.

Widow of George Russell, who for 33 years had been foreman to the bailiff in Windsor Park.

*Sargent, Charlotte*; age 80.—£. 616 four-and-a-half per cent. duties.

Granted in consideration of her husband's services, as clerk of the Ordnance and secretary to the Treasury. This grant is for life.

*Saunders, Catherine*; age 39.—£. 60.

An old servant in the Army Pay-office. On the consolidation of the Pay-offices she lost her situation as housekeeper; this pension was granted as compensation. By the consolidation in question, upwards of £. will eventually be saved to the public.

*Shawe, Lieutenant-colonel Merrick*; age 66.—£. 999.

Colonel Shawe held the patent office of commissioner of stamps, with a salary of 1,000 £. a year; this he resigned to accept of the situation of private secretary to Lord Wellesley, then lord-lieutenant of Ireland, receiving at the same time pensions equivalent to the salary he had relinquished; which pensions were granted on the condition that they were not to be received at any time whilst he held office under the Government. The military services of Colonel Shawe are set forth in the accompanying memorandum:—

STATEMENT of the military services of Lieutenant-colonel Merrick Shawe, and of the circumstances which led to his appointment to a seat at the Board of Stamps.

LIEUTENANT-COLONEL M. SHAWE was appointed an ensign in the year 1788; he joined his Majesty's 76th in India early in the year 1790; he served with his regiment during the campaigns of 1791 and 1792 in Mysore under the Marquis Cornwallis, and was present at all the battles and sieges during that war; he was severely wounded in the assault of the Eadgah redoubt, on the 6th of February 1792, when Lord Cornwallis attacked and carried Tippoo Sultan's fortified camp under the walls of Seringapatam. On that occasion he received a musket-ball in his shoulder, which could not be extracted, and where it still remains. He returned to Bengal with the 76th regiment, after the Mysore war in 1792, and remained with it until 1798, when he was appointed adjutant to the Calcutta militia.

Soon after intelligence was received in India of the landing of the French army, under Buonaparte, in Egypt, the governor-general (Lord Mornington) deemed it expedient to call out the militia at the presidencies of Bengal, Madras and Bombay. The formation and discipline of the Calcutta militia was confided to Lieutenant-colonel (then Lieutenant) Shawe. That corps consisted of 1,200 men, British, Portuguese and Armenian inhabitants of Calcutta. It was rendered fit for service within a short space of time by the exertions of Lieutenant Shawe, who obtained the approbation of the governor-general Lord Mornington, and of Sir Alured Clarke, then commander-in-chief in India.

Early in the year 1799 the 76th regiment was ordered to Madras, to join the Army forming under General Harris for the invasion of Mysore. Lieutenant Shawe was informed, by desire of the governor-general, that he might remain with the Calcutta militia, where his services were still requisite; but Lieutenant Shawe preferred accompanying his regiment upon actual service. Upon that occasion the officers of the Calcutta militia presented him with a sword, value 200 guineas, and a sum of 1,000 £. towards the purchase of promotion, as a mark of their approbation.

The alarm occasioned by the insurrection at Benares, and the assassination of Mr. Cherry by Vizier Ally, induced the provisional government of Bengal to detain the 76th regiment, which was prevented by that event from revisiting Seringapatam a third time, and from sharing in the glory of reducing that fortress. Lieutenant Shawe returned to his duty with the Calcutta militia upon the detention of his regiment in Bengal.

Upon Lord Mornington's return to Bengal after the Mysore war, in 1799, Lieutenant Shawe was appointed one of his lordship's aides-de-camp, and he soon afterwards succeeded to the office of military secretary to the governor and captain-general of India, and subsequently to that of private secretary, which offices he held successively during the remainder of his lordship's administration in India, including the eventful period of the Marhatta war.

Lieutenant-colonel Shawe having been promoted to a lieutenant-colonelcy in H. M. 3d regiment of foot in England, he had the honour of returning to Europe in the same ship with the Marquis Wellesley, and as one of his suite at the close of the year 1805. He had the honour of being invited by his old and revered commander, Lord Cornwallis, to remain with him in India, and to be one of his aides-de-camp; but he was desirous of seeing service in Europe, and he preferred returning home with the Marquis Wellesley.

Upon his arrival in England, in January 1806, he found that he had been placed on half-pay, not at his own desire, but upon a supposition that his detention upon the staff in India might be of some duration; he lost no time in applying for active service; he was in the first instance appointed to the staff in Ireland as an assistant adjutant-general, and subsequently to the command of the fifth garrison battalion, which situations he requested permission to resign in order to obtain employment with the army upon the Continent. He was soon afterwards appointed to the command of his old corps, his Majesty's 76th regiment, upon its return from Corunna, at the close of the year 1808.

He had the honour to command the 76th regiment in the expedition to Walcheren, at the siege of Flushing, and in garrison at Middleburgh until the evacuation of Walcheren at Christmas, in the year 1809, when the command of General Grosvenor's division had devolved

devolved upon him, in consequence of the illness which had disabled or driven away all his senior officers.

Upon his return to England the 76th regiment, which had embarked 800 picked men at Harwich in the month of June preceding, landed at the same place in January 1810, with little more than 200 men able to march a few miles to Ipswich. The regiment was completely disabled by the fatal effects of the climate, and his own health was greatly impaired by repeated and severe attacks of the Walcheren fever. No hope could be entertained that the 76th regiment could be recruited and rendered fit for service for several years, and it was not again employed until the close of the year 1813, when it joined the army in Spain.

In the early part of the year 1810, Lieutenant-colonel Shawe was induced by the prospect of a long period of inactivity, occasioned partly by the disabled state of his regiment, and partly by a belief which was generally entertained at that period, that it was the intention of Mr. Perceval's administration to withdraw the British army from the Peninsula of Spain, and from active operations on the continent, to take advantage of that opportunity to recruit his health, and to look after some private affairs which then demanded his undivided attention, and he applied to be placed upon half-pay for a short time. Sir David Dundas, who was then commander-in-chief, received his application with favour; but it unfortunately occurred that no officer on half-pay could then be found willing to exchange with Lieutenant-colonel Shawe, who was therefore unhappily compelled to retire from the service by the sale of his commission.

His health was restored, and his affairs arranged within a shorter period of time than he had anticipated; and when the battle of Busaco, and other events in the Peninsula had renewed the prospect of more extended and successful military operations upon the Continent, he felt deep regret at having retired from the service, and made every effort in his power to return to it. Having expressed an ardent desire to witness some of the military operations in the Peninsula, Lord Wellington had the kindness to permit Lieutenant-colonel Shawe to visit his head-quarters in Spain immediately after the fall of St. Sebastian, and to remain with him from the month of September 1813, until after the battle of Toulouse, in April 1814, during which period he had the good fortune to witness all the glorious operations in the Pyrenees and in the South of France, from the passage of the Bedasoa, until the battle of Toulouse, with the singular advantage of being in close attendance upon Lord Wellington in every action that took place during that interval of time. He was wounded when close by his lordship's side, in the severe action which took place at Biaritz, near Bayonne, in December 1813, when Marshal Soult assembled his whole forces, and attempted to break through Sir John Hope's position, on the left of our Army. Although Lieutenant-colonel Shawe could not refrain from advertiring to these occurrences in his military life, nor from expressing his gratitude for the opportunity afforded him by Lord Wellington of witnessing these great military events, he, of course, has no intention of founding any claims upon his having been present at these operations, which proceeded from his own choice, and which afforded him the highest gratification.

Soon after Lieutenant-colonel Shawe's arrival in Spain in September 1813, it was announced to the army that the officers and men of the militia of Great Britain and Ireland were invited to volunteer for service in the line, and that all officers to the rank of lieutenant-colonel inclusive, would obtain the same rank in the line, provided they could bring with them a certain number of men in proportion to their respective ranks in the militia.

Lieutenant-colonel Shawe conceived a hope that this measure might afford an opening for his return to the service, and he addressed a letter to Sir Henry Torrens, then secretary to his Royal Highness the Duke of York, offering to pay to the recruiting fund of the Army a sum of money equal to the price he had received for his commission, and any additional sum (if such should be required) to pay the bounty-money for a number of recruits, equal to the number of men which would entitle a lieutenant-colonel of militia to obtain that rank in the line. Lieutenant-colonel Shawe ventured to express his hope that 22 years' service (nearly 17 years of which, was in the East Indies and in Walcheren), in addition to the sum of money he offered to apply to the recruiting service, might be deemed equal to the qualification required from a militia officer, and he also trusted that it could not be expected to create an inconvenient precedent, as it was not probable that many persons with similar qualification of length of service would be disposed to make a similar pecuniary sacrifice. Several instances were adduced of officers who had sold out, having been restored to the service without any pecuniary sacrifice, Sir David Dundas (the late commander-in-chief) being one.

Lieutenant-colonel Shawe's application was received with great kindness by the Duke of York, who condescended to express his regret that Lieutenant-colonel Shawe had quitted the service. But, although his Royal Highness admitted that two officers of rank who had sold out had recently been restored to the service without any pecuniary sacrifice, he stated that he was unable to grant the indulgence Lieutenant-colonel Shawe had solicited, because that, in consequence of some inconvenience which was apprehended from reinstating officers who had retired, it had been determined by his Royal Highness, after communication with Lord Wellington on the subject, to discontinue that practice for the future.

Lieutenant-colonel Shawe was therefore compelled to abandon his hope of returning to the service by these means, and he remained with Lord Wellington until after the battle of Toulouse.

His Royal Highness the Duke of York, however, was not unmindful of Lieutenant-colonel Shawe's application, and with the indulgence and regard for the feelings and wishes of every individual of the Army which uniformly marked his Royal Highness's conduct, he directed Sir H. Torrens to offer to Lieutenant-colonel Shawe the situation of first assistant-secretary to the military secretary of the commander-in-chief, then vacant by the retirement of Lieutenant-colonel Edwards, and proposing to Lieutenant-colonel Shawe at the same time to appoint him to an ensigncy, and to promote him to the rank of lieutenant-colonel as speedily as the regulations of the service would allow.

Lieutenant-colonel Shawe gratefully accepted that offer, and he entered the commander-in-chief's office in May 1814 as assistant-secretary, with the temporary rank of lieutenant-colonel in the Army, which he still holds. He was at the same time appointed to an ensigncy and to a lieutenancy in due time, and he would have attained his former rank of lieutenant-colonel, with only the loss of a few years' seniority, if the war had continued a short time longer.

Upon the establishment of a general peace after the battle of Waterloo, the Finance Committee then appointed to superintend the reduction of expense in all the departments of the public service, called upon his Royal Highness the commander-in-chief to make such reductions as might be practicable in his department at the Horse Guards, leaving his Royal Highness to make the arrangement according to his own judgment.

On this occasion his Royal Highness sent for Lieutenant-colonel Shawe, and explaining to him the necessity he felt to include the situation of assistant-secretary amongst the reductions to be made at the Horse Guards, he observed to Lieutenant-colonel Shawe that the loss of his salary as assistant-secretary (600*l.* per annum), added to the disappointment of the hopes his Royal Highness had held out to him of restoring him to his rank in the Army, would justify his Royal Highness in applying to Lord Liverpool for compensation, and that he had reason to hope that he might obtain a seat at one of the revenue boards (meaning either the excise or customs) for Lieutenant-colonel Shawe if he would agree to this proposal, which his Royal Highness strongly advised him to do. Lieutenant-colonel Shawe replied, that he would concur in whatever arrangement his Royal Highness should deem most advisable, but he begged leave to say, that although he was not possessed of an independent fortune, his restoration to his rank in the Army would be more grateful to his feelings than any pecuniary compensation that could be granted to him.

His Royal Highness had the condescension to observe that a military life had but little attraction for an experienced soldier except in time of war, and that the present peace was likely to last so long, that neither himself nor Colonel Shawe would be fit for active service when another war might occur. His Royal Highness therefore repeated his recommendation to Colonel Shawe to give up his military views, and to enable his Royal Highness to submit his case to his Majesty's Government.

Lieutenant-colonel Shawe accordingly acquiesced, and Lord Liverpool admitted the claim, and promised his Royal Highness that Lieutenant-colonel Shawe should be appointed to one of the revenue boards as soon as a favourable opportunity might occur.

The Duke of York was not aware, as he subsequently stated to Lord Liverpool, that the designation of "Board of Revenue" was applicable to any other boards than those of excise and customs, which were the objects of his application, and, under that impression, his Royal Highness informed Lieutenant-colonel Shawe that Lord Liverpool had promised him a seat at one or other of those two boards.

The great increase of business in the commander-in-chief's office, occasioned by the arrangements for the reduction of the Army to the peace establishment, and the accumulation at the Horse Guards of all the details which during the war were transacted by the general officers commanding the several military districts in Great Britain, compelled his Royal Highness to postpone the actual reduction of the establishment of his office until the month of December 1817, when Lieutenant-colonel Shawe's military allowances ceased.

Two years elapsed after that period before the Government had an opportunity of making any arrangement for Lieutenant-colonel Shawe.

The office of paymaster to the marines was then proposed to him, but, with the sanction of the Duke of York, he declined it, on account of the very great pecuniary responsibility attached to that office.

The next office proposed to him was a seat at the Board of Stamps, which his Royal Highness was so good as to represent to Lord Liverpool was of inferior value to what he had considered himself to have been authorized by his Majesty's Government to propose to Lieutenant-colonel Shawe.

Finding, however, that some time might elapse before a vacancy would take place at the excise or customs, and being also unwilling to add to the trouble which his Royal Highness had so kindly taken in his behalf, Lieutenant-colonel Shaw accepted of the appointment to the Board of Stamps, although the salary was less by nearly 500*l.* per annum than what he had been led to expect.

The object of this statement is to show that the patent office of a member of the Board of Stamps, with a salary of 1,000*l.* per annum for life, which was resigned by Lieutenant-colonel Shawe at the desire of his Majesty's Government in order to take an employment in Ireland, was not originally bestowed upon Lieutenant-colonel Shaw merely as a matter of favour, but that it was conferred upon him at the recommendation of the Duke of York.

York, in compensation for the loss of office at the Horse Guards, and for the disappointment of the hopes of restoration to his rank in the Army which his Royal Highness had held out to him, and which were frustrated by the demand upon his Royal Highness to reduce the establishment of the commander-in-chief's office before the plan he had proposed to Colonel Shawe could be accomplished.

Lieutenant-colonel Shawe trusts that the foregoing statement of services and of circumstances will recommend his claim to the continuation of his pension to favourable consideration, and he earnestly solicits attention to the statement of the pecuniary losses to which he was exposed (contrary to the intention of Government and to the promises made to him) during his residence in Ireland, which are detailed in his letter of this date to the Chancellor of the Exchequer, relative to the claims of his sisters, founded upon the loss of three brothers in the public service, in support of which Lieutenant-colonel Shawe professed his readiness to forego his claims to reimbursement, provided that the compensation usual in such cases should be made for them.

*Shee, Dame Elizabeth Maria; age 73.—£. 334.*

Widow of the late Sir George Shee. The following statement will explain the circumstances of this grant:—

About the year 1796, the Earl of Chichester, at that time Mr. Pelham, and secretary for Ireland, having had reports made to him relative to the abilities and personal character of the late Sir George Shee, proposed to Sir George that he should undertake the office of surveyor-general of the Ordnance in Ireland, for the purpose, in the first instance, of effecting reforms in the administration of that department.

Sir George Shee accepted the offer, and with much labour and at some personal risk worked out the reforms required. He introduced economy into the public expenditure of the department. He reduced within reasonable bounds the pecuniary demands of many of its officers. He invented, moreover, some valuable improvements in the machinery of the Ordnance; and in short, Lord Chichester himself having at a future time occasion to speak of the services of Sir George Shee as surveyor-general of the Ordnance, felt it his duty to state that the reforms and improvements which Sir George had made were such "as few men would have had the courage to undertake or the ability to carry through."

The salary of the office was 800*l.* a year, with a handsome residence in the Castle-yard, and other contingent advantages, and Sir George Shee held the office until the year 1799; when Mr. Pelham's successor, Lord Castlereagh, informed him that it would be more advantageous to the public service if Sir George would resign the office of surveyor-general of the Ordnance, and accept one of higher rank and importance, but of less emolument, that of secretary to the Treasury. Sir George Shee at once agreed to this proposal, notwithstanding the sacrifice of income which it involved, and incurring, moreover, some additional expenses contingent upon his entrance into Parliament for the borough of Knocktopher. Sir George Shee held the office of secretary to the Treasury during the whole of the stormy period during which the union between Great Britain and Ireland was discussed and settled. He continued to hold it until the end of Mr. Pitt's administration in 1801, and his family are in possession of abundant attestations from the late Lord Castlereagh, as to the efficiency with which he had during that whole period discharged its duties.

In 1801, Lord Chichester having become secretary for the Home Department in England, as a member of Mr. Addington's government, offered to Sir George Shee the office of under-secretary of state. Sir George Shee accepted that office; but in thus abandoning a situation of probable permanency for one of a manifestly temporary character, he conceived that the sacrifice, superadded to his previous personal claim on account of services acknowledged to have been rendered, entitled him to stipulate for some fixed ultimate provision. His request was acceded to, and the reversionary appointment of receiver-general of the revenues, held however at the time by Sir Henry Cavendish, an individual of about his own age, was granted to him, coupled with a promise that when removed from the office of under-secretary of state, he should receive the pension at that time usually granted to retired under-secretaries, namely, about 1,200*l.* a year. In 1803 Lord Chichester retired from the office of secretary of state. Sir George Shee was at the same time removed, and the promised pension was conferred upon him, viz., two-thirds for his own life, and one-third for that of his wife. From the year 1805 to 1807 the whole of that pension was in abeyance, in consequence of Sir George Shee's re-entrance into public life, at the request of the late Mr. Windham, as under-secretary of state for the colonies; but upon Mr. Windham's retirement in the latter year, the pension revived. Sir George Shee possessed the whole of it for the remainder of his life. At his decease the two-thirds dependent upon his life expired; and the remaining third of that hardly-earned reward of long, active and faithful service is the pension which in the public accounts now stands against the name of the dowager Lady Shee.

*Slow, Caroline; age 36.—£. 43.*

Daughter of an old superintendent of the lord-lieutenant's gardens in Ireland. This pension was granted by patent under the great seal for life.

*Sneyd, Ann; age .—£. 356.*

Daughter of Thomas Burgh, who for a period of 40 years was in the public service. He held the offices of accountant-general and secretary to the Treasury, and commissioner of customs in Ireland. He was also acting surveyor-general to the Ordnance during the rebellion. He left 11 children slenderly provided for. Grant by patent for life.

*Sharkey, Richard Fortescue*; age 83.—£. 88.

Granted in consideration of resignation and abolition of office.

*Sterling, Edward*; age .—£. 177.

Grandson of Edward Sterling, and son of the Rev. A. Sterling, who each held successively the patent office of chief clerk of the Irish House of Commons. On an address from the House to the lord-lieutenant the office of the latter was abolished, and compensation given by the grant of this pension. *Vide* Irish Commons Journals, 30th of August 1780, when a petition was presented from the Rev. Anthony Sterling, clerk, setting forth his patent rights, and his willingness to resign his interest in the patent to the House; upon which, on the following day an address to the lord-lieutenant was agreed to, praying the lord-lieutenant to make some other provision for the said Anthony Sterling, upon condition that he should surrender to his Majesty the patent whereby he enjoyed his office.

*Stewart, Frances*; age 66.—£. 154.

Widow of the late Rev. A. Stewart; for 10 years chaplain and moral superintendent of the Hibernian military school, Dublin; his zeal in performing the laborious duties of his office undermined his constitution so as to carry him off; the widow and 10 children were left without provision.

*Stewart, Charlotte*; age 13.—£. 200.

Daughter of the late Honourable Colonel James Stewart, whose services in the light brigade during the Peninsula campaigns, in the revenue departments of customs and stamps, and finally, as assistant-secretary of the Treasury, were important and honourable. The services of Colonel Stewart, and the motive for the grant of this pension to his daughter, are stated in the following Minutes of Treasury:—

COPY of Treasury Minute, dated 22 January 1836.

“ READ letter from the Honourable James Stewart resigning the office of assistant-secretary to this board; read also the statement of Mr. Stewart’s public services, and the medical certificates accompanying his letter.

My lords advert also to a return drawn up from the entries in the attendance-book, from which it would appear that Mr. Stewart, during the year 1832, was absent six days; in 1833, 30 days, and one from illness; 1834, 29 days; 1835, 28 days, and 36, from illness.

My lords read also the 4 & 5 Will. 4, c. 24, s. 17, authorizing the grant of superannuation allowances in special cases.

Lord Melbourne and the Chancellor of the Exchequer state to the board their opinion, that the long, able and faithful services of Mr. Stewart in the difficult and confidential situation which he has held, bring his case fully under the provisions of the clause, and they propose a retired allowance of 1,200*l.* as a proper superannuation for that gentleman.

My lords entirely concur with Lord Melbourne and the Chancellor of the Exchequer.

By the 11th clause of the Superannuation Act, it is necessary, in order to enable my lords to grant Mr. Stewart any superannuation under the Act, that he should have discharged the duties of his situation with diligence and fidelity, and to the satisfaction of this Board, and my lords are bound to express such satisfaction in their minute, authorizing the grant of the superannuation allowance.

My lords, therefore, in compliance with the law, certify that Mr. Stewart has discharged the duties of his situation with diligence and fidelity, and to their entire satisfaction.

But my lords would do injustice to a most deserving public servant if they failed to record also the deep sense they entertain of his merits, and of the loss this department and the public service will suffer by his retirement, and their thanks for the integrity, zeal, assiduity and intelligence which have uniformly characterized his conduct in this office, and the other important situations which he has filled.

Let Mr. Stewart be placed on the retired list of the Treasury at an allowance of 1,200*l.* per annum, and let a copy of all the papers and of this minute be laid before Parliament.

Transmit copy of this minute to Mr. Stewart, and convey to him the best wishes of this board for his health and welfare.”

COPY of Treasury Minute, dated 28 July 1836.

“ VISCOUNT MELBOURNE states to the board, that in consideration of the faithful diligent and most meritorious services of the late Mr. James Stewart, for many years their lordships’ assistant-secretary, in the discharge of which duties, his health was seriously injured, and his death accelerated at so early a period after his retirement, his Majesty has been graciously pleased, as a mark of his royal approbation and favour, and as an encouragement to an able, efficient and meritorious discharge of public duty, to grant to his daughter, Charlotte Stewart, a yearly pension of 200*l.* chargeable upon the civil list.

My lords receive this communication from the Viscount Melbourne of his Majesty’s gracious pleasure with the utmost satisfaction, giving, as it does, the high mark of the approbation of their Sovereign for those services of the late Mr. Stewart, from which the public has derived so much advantage, and which may well be held out as an example in all the departments of civil service.

My lords desire that the necessary warrant may be prepared for his Majesty’s royal signature, granting the said pension of 200*l.* per annum, from 1st July instant, to the Honourable

Honourable Edward Stewart and Frederick Madan, esq., in trust for Charlotte Stewart, accordingly, in obedience to his Majesty's commands.

Let a copy of this minute be transmitted to the Honourable Edward Stewart, for the information of the family of the late assistant-secretary of this board."

As a contrary statement has been made, it is right to add that Colonel Stewart purchased every one of his commissions; he had been offered an ensigncy gratuitously, but refused it; his majority and lieutenant-colonelcy were purchased for him in England at the very time when the Duke of Wellington had given him brevet rank in the field.

*Stewart, Catherine Urania*; age —£. 266.

Granted by patent under the great seal, for life. The origin of this pension is stated to be the civil service of the party's father.

*Symes, William*; age —£. 52.

This pension was granted in consequence of the death of the pensioner's father in the service of the Earl of Westmorland, then lord-lieutenant of Ireland.

*Taylor, Ann*; age —£. 15.

Granted for the faithful services of her late husband, who served in the Audit-office, and died in consequence of a cold caught in the discharge of his duty.

*Taylor,*

*Sarah*; age 46.—£. 52. *Paine, Mary*; age —£. 61. } £. 174.  
*Yates, Jane*; age 56.—£. 61.

Daughters of William Taylor, for nearly 50 years first clerk in the Chief Secretary's-office, Dublin. The original grant was 200*l.* to the three daughters, co-temporary with which Mr. Taylor surrendered a pension of 105*l.* which had been previously granted.

*Tighe, Charlotte*; age 50.—£. 47.

On the marriage of this lady, a retired allowance of 800*l.*, to which her husband was entitled as comptroller of the customs, was secured to her by her marriage settlements; this unfortunately, however, became a question of litigation, by which she was reduced to much distress. The above small pension was consequently granted. Granted by patent, for life.

*Tildesley, Ann, Sophia*; age 51.—£. 61.

Daughter of T. Tildesley; 40 years surveyor to the Board of Works.

*Tomlins, Sir Thomas E.*; age 76.—£. 177.

This pension was granted in consideration of the long services of Sir Thomas Tomlins as counsel to the Irish-office, and joint counsel to the Treasury. After 30 years' service, he retired without receiving compensation. It is granted by patent under the great seal, for life.

*Touche, Richard*; age 80.—£. 100.

This officer had been long employed under the commissioners of Kingston harbour, who made the following communication to Government: "Had it not been for his assiduity, perseverance, industry and attention, the advantages of this harbour would now most likely be unknown to the public; had he not procured the quarry-right, by which a saving of 240,000*l.* was effected, the harbour could not have been commenced." On the reduction of the commissioners of Kingston harbour, and the transfer of the management to the Board of Public Works, by which a very large saving of expenditure was made, the Treasury found that they could not grant a retired allowance to Mr. Touche without introducing a principle likely to be inconvenient to the public service. In order to do him justice, they felt it their duty to recommend him for the grant of a civil list pension.

*Treasure, Elizabeth*; age 58.—£. 100.

Widow of a late secretary to the board of taxes. His death, which took place at the early age of 44, was attributed to over-work, and is noticed by a minute of the board expressing a high opinion of his services. He left a widow and eight children.

*Waldron, Jane*; age 69.—£. 40.

Widow of Henry Edwards, many years principal police officer at Windsor.

*Walsingham, Lord*; age 60.—£. 936.

This pension was granted to the late Lord Walsingham in consideration of his services as postmaster-general. Lord Walsingham served as postmaster-general from 1787 to 1794, at a salary of 2,500*l.* a year. The Committee have not found any precedent for a similar grant. Lord Walsingham was also appointed chairman of the committees of the House of Lords, which office he filled for nearly 20 years; before the Union the salary was 1,200*l.*, increased to 2,500*l.* after the Union, in consequence of the increase of business. On Lord Walsingham's retirement from this office in 1814, he received a pension of 2,000*l.* per annum; a reversion was granted to the two sons of Lord Walsingham in the civil list pensions. The Committee have not seen adequate grounds to justify them in recommending that provision should be made for the re-grant of this pension.

*Ward, George*; age 74.—£. 52.

Granted in consideration of the services of his father, 52 years collector of customs in Ireland.

*Watson, Sir Frederick*; age 65.—£. 936.

Sir Frederick Watson filled the office of a commissioner of the board of customs. He resigned this situation at the request of George the Fourth, for the purpose of entering into the royal establishment as master of the household; this he did, receiving his pension as a compensation for the permanent office he had resigned. Having now resigned his

office of master of the household, this pension is in fact less in amount than the retired allowance, to which from length of service Sir Frederick Watson would have been entitled under the 3d of George the Fourth, cap. 113.

*Whitehouse, Elizabeth*; age 55.—£. 50.

A widow; her husband was for 34 years extra clerk and deputy keeper of the papers at the Treasury. He died in 1813, leaving his widow in poverty.

*Wilcox, Elizabeth Deacon*; age 65.—£.100.

Her father held, after 40 years' service in the customs, the office of secretary to the board, to which he had raised himself from a subordinate rank; the office was worth 2,500*l.* a year; he was induced to accept, instead of the office of secretary, the office of commissioner, at 1,200*l.* a-year; the Treasury minute, of which a copy is subjoined, will explain the terms of this arrangement; under this arrangement the public are liable to a grant of 250*l.* a-year, of which, however, 100*l.* a year only is now received.

#### COPY of Treasury Minute, dated 22 November 1808.

"READ letter from the Right honourable George Rose, dated 11th February last, respecting the situation of Mr. Hume, late secretary to the board of customs, but now one of the commissioners.

Read also commission appointing Mr. Hume one of the commissioners.

My lords, taking into consideration the long, laborious and useful services of Mr. Hume, as secretary to the board of customs, and the loss he has sustained in his income by accepting the situation of one of the commissioners, which, from his former experience, my lords consider him as peculiarly qualified to fill with advantage to the public, and also the promise made to Mr. Hume by the late chancellor of the Exchequer, under the faith of which Mr. Hume accepted the said situation, are pleased to direct that a net allowance of 250*l.* a year be made to Mr. Hume from the incidents of the customs, to commence from the time of his quitting the secretaryship of the said board, and to continue so long as Mr. Hume shall hold the office of one of the commissioners of the customs; and as a further proof of their approbation of his conduct, my lords will, in case of the death or resignation of Mr. Hume, give the necessary directions for making a provision for his family equivalent to the said allowance, and under such conditions and stipulations as were agreed between the late chancellor of the Exchequer and Mr. Hume, when he accepted of the said office of commissioner of the customs, and were communicated by Mr. Rose in his letter above alluded to.

Prepare warrant accordingly, and transmit copy of this Minute to the commissioners of customs and Mr. Hume."

*Willmott, Mary*; age 60.—£.100.

Sister of Mr. Willmott; for 22 years private secretary to Lord Liverpool.

*Winder, Barbara A.*; age 70. *Jane A.*; age 69. *Rachel A.*; age 68.—£. 88.

Sisters. Their father was for about 30 years in the revenue service; first as collector of customs, as clerk, then as secretary of the board of customs in Dublin. He died of a paralytic attack, brought on, in the opinion of his physicians, by his attention to the duties of his office, leaving four daughters unprovided for.

*Wynne, Robert*; age 77.—£.443.

Served for 19 years in the lord-lieutenant's household; and for 20 years in revenue departments. This pension is granted by patent under the great seal, for life.

*Wynyard, Lady Matilda*; age 64.—£.467.

This pension was granted in consideration of the abolition of a patent office in the customs, granted to Lady Matilda Wynyard and her brother. The latter did not apply for or receive compensation.

#### PENSIONS CONNECTED WITH COLONIAL SERVICES.

*Batson, Isabella*; age 56.—£. 103 four-and-a-half per cent. duties.

Granted in consideration of the public services of her father, G. P. Ricketts, esq., who died as Governor of Barbadoes. Your Committee have recommended that this pension should only take effect in the event of Mrs. Batson surviving her husband.

*Curt, Amelia de*; age 38.—£.50. *Augustus de*; age 35.—£.50.—£. 100.

Brother and sister. Their father was agent to the council of Martinique; on his death, which took place almost immediately after the grant, his pension ceased, and 150*l.* was granted to his widow, with reversion to her three children, on condition of the surrender of certain papers and documents, both of a public and secret nature, the acquisition of which by the Government was thought of advantage to his Majesty's service. The original letter from Lord Camden to the Treasury, attesting these facts, is still in existence.

*Edwards,*

*Edwards, Dame Louisa Frances*; age 48.—£. 150.

Widow of Colonel Edwards, who died at the early age of 36, having served for many years in the army at home and abroad, and whose services were subsequently employed with great public usefulness in the Colonial Audit-office. Upon his death the following letter was addressed by the colonial auditors to the Treasury, upon consideration of which this pension was granted to his widow:—

Dear Sir,

Colonial Audit-office, 4 May 1816.

In reporting to the Lords of the Treasury the death of Colonel Edwards, we felt some doubt how far we ought to pass beyond a mere formal statement of the fact; yet we are anxious to express our sense of his merits, in the hope that in your hands it may be of some service to his family.

During the last year and a half of his life we have known more of him than almost any other persons, and can therefore best estimate his acuteness, his judgment, his candour and unwearied assiduity under a state of bodily infirmity which would have restrained most men from any exertion.

From his mission to Malta he was strongly dissuaded by us both, from our conviction that, to a constitution so debilitated by unremitting labour in warm climates, it must be attended with danger.

But his anxiety for the objects which he had at heart induced him to persevere, and, most unfortunately for his family, to the great disadvantage, as we sincerely feel, of this officer, and the loss of his country, which would have derived so much benefit from his zeal and energy, he has at length fallen a victim to the enduring performance of his public duties.

We assure ourselves that you will not be displeased with this testimony of respect from those who had such thorough opportunities of knowing him, and it will be a consolation to us if it should in any degree contribute to secure any provision for his family, which will be repaid to the country most abundantly, as we are convinced, by that system of economical arrangement in the colonies which he planned, and has so materially contributed to carry into effect.

We have the honour to be, dear Sir,

Your obedient humble servants,

(True copy.)

*Louisa F. Edwards.*

(signed) *E. H. Lushington.*

*Edmund Byng.*

To Geo. Harrison, Esq., &c.

*Gore, Dame Arabella*; age .—£. 300.

This pension is granted to take effect only on the death of the party's husband, who is still living. It was originally granted in 1805, and has therefore been suspended for 32 years. Her husband was governor of the Bermudas, and subsequently governor of Upper Canada, both which offices he held without the usual military appointments.

*Hamilton, Elizabeth*; age 69.—£. 200. *Mary Ann*; age 41.—£. 100.—£. 300.

Widow and daughter of Mr. Hamilton, lieutenant-governor of Canada, and afterwards governor of Dominica. His death was occasioned by exertion and fatigue in defence of the island against the attack of the French in 1795. As a reward for military services in the American war, a grant of land was made to him, but on the final arrangements between England and the United States, General Hamilton's property, having fallen below the boundary line, became the property of the States. At his death he left a widow and an infant daughter.

*Hobart, Albinia Jane, Augustus Edward, Harriet and Vere Catherine Louisa*; ages 50, 44, 42, 35.—£. 400.

Of these, one is now dead, and this pension was to continue until the decease of any four of them, and to be then reduced to 200*l.* About the year 1802, the late Mr. George Hobart was appointed lieutenant-governor of Grenada. He incurred considerable expense in his outfit; but being attacked by the yellow fever, died a few months after his arrival in that unhealthy climate. This pension was granted in consequence. The Committee have recommended the discontinuance of one of these pensions, that to Lady Albinia, and the suspension of another granted to Lady Jane Cameron. For the two others, they consider that a present provision should be made.

*Martin, Sarah*; age 78.—£. 37. *Alice*; age 68.—£. 37, 4*l* per cent. duties.

Sisters of an officer who had served in the army till his health was ruined by long service in unfavourable climates. He was then appointed Governor of North Carolina, till driven from that province by the rebels. In the struggle he lost his property, and his children were left destitute. Of those children, the pensioners are the only survivors. The grant was originally 300*l.* a year.

*Murray, Deborah*; age 43.—£. 200.

Wife of Colonel Murray. For more than 40 years in the public service in North America and the West Indies. During his execution of the duties of collector of the customs at the Bahamas, the revenue of that colony was improved nearly tenfold.

*Murray, Lady Virginia*; age 63.—£. 184.

Daughter of the Earl of Dunmore, Governor of the Bahamas. It is stated that this pension was granted in consideration of the surrender by Lord Dunmore of certain lands to the Government. By reason of his attachment to the cause of the Crown, he also suffered considerable losses in the United States.

*Temple, Dorcas*; age 52.—£. 100.

Widow of Major Temple. Upwards of 30 years in the public service. Superintendent of the fortifications at Genoa, Coupe de Gouverneur in the Ionian Islands, and Lieutenant-governor at Sierra Leone, in which last post he died. On his death, the council of the colony of Sierra Leone voted a pension of 200*l.* a year to his widow, who with seven children were left unprovided for. This vote, being contrary to colonial regulations, was disallowed by the Secretary of State; but Mr. Spring Rice, who then filled that office, recommended the grant of this civil list pension to his late Majesty. This grant was carried into effect subsequently by Sir Robert Peel, when First Lord of the Treasury.

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### PENSIONS FOR CONNEXION WITH, OR SERVICES TO, THE ROYAL FAMILY.

*Adair, Robert, Diana and Elizabeth*; ages 73, 78 & 70.—£. 445.

When accounts were received of the dangerous illness of the Duke of Gloucester, brother to George the Third, then in Italy, his Majesty sent out the late distinguished surgeon, Mr. Adair, in whose skill he had great reliance, to bring back his Royal Highness to England. This Mr. Adair, assisted by the late Dr. Jebb, succeeded in doing; and this pension for the lives of his children was granted as a reward for those services.

*Arbuthnot, Augusta A.*; age 33.—£. 100.

Granted in reward for the faithful services of her father in the household of George the Third, from 1776 to the period of the death of that sovereign. He was in confidential attendance upon the King during his Majesty's mental malady.

*Ball, Catherine*; age 66.—£. 100.

Widow of the late Mr. Barker, student of Christ-church, Oxford, and chaplain to the Prince Regent. Her husband died of a rapid decline, leaving a mother and widow, the latter of whom was considered a deserving object of the royal bounty.

*Beaumont, Anne Smith*; age —£. 40.

This pension originated in the services rendered by an ancestor of this party, Penewick, who assisted Charles the Second in his escape after the battle of Worcester.

*Bereens, Lady C.*—£. 81.

This pension is surrendered.

*Bouverie, Arabella*; age 70.—£. 300.

Granted by George the Fourth, in consideration her husband's services as groom of the bedchamber to his Majesty when Prince of Wales. Mr. Bouverie was dismissed when his Royal Highness's establishment was reduced, with the promise of an adequate compensation.

*Bouverie, Lady Frances Charlotte*; age 47.—£. 81.

Daughter of the Bishop of Exeter and grand-daughter of the Countess of Effingham, the early friend and attendant upon Queen Charlotte. Lady Frances Bouverie states that, should it be deemed proper to withdraw this pension, she has no desire to place herself under obligation by requesting its continuance, and that it is not of very essential consequence to her. It has been subsequently resigned.

*Brudenell, Augusta*; age 77.—£. 202.

Granted in consideration of 30 years' service in the royal household.

*Cathcart, Baroness*; age 75.—£. 389.

At the particular and repeated request of King George the Third and Queen Charlotte, Lady Cathcart undertook the duty of governess to the Royal Princesses, and when their advancing years rendered her services unnecessary, this pension was conferred upon her ladyship, unsolicited, "as a memorial of their Majesties' esteem and approbation."

*Courtenay, Lady Elizabeth*; age —£. 81.

Sister to Lady Frances Bouverie and Lady Catherine Bereas, whose pensions are resigned. This lady receives another pension of 300*l.* on the consolidated fund. The Committee do not recommend that provision should be made for the re-grant of this pension.

*Davies, David*; age 43.—£. 938.

On the accession, and at the express command of the late King, Dr. Davies relinquished a professional practice, by which he realized on the average 2,400*l.* a year, and devoted himself to his attendance on the sovereign. This pension was also connected with professional services previously rendered to his late Majesty when Duke of Clarence.

*Dundas, William, James F. and John B.*; ages 60, 52 & 43.—£. 233.

Granted to their father, Dr. Dundas, in remuneration for his medical service to his late Majesty King George the Third. During the entire of the seven months preceding the grant, Dr. Dundas had resided exclusively at the palace to the serious and permanent injury of his private practice.

*Ernest, Charlotte*; age 75.—£. 113.

The grandfather of this lady came over with George the Second, and served in the household. Her father served King George the Third as page. While Mr. Ernest was dying prematurely

prematurely of a decline at 36, King George the Third sent a gracious message to him, assuring him that a provision should be made for his wife and family. This pension was in consequence granted.

**Gloucester, H. R. H. the Duchess of;** age 62.—£. 1,000.

Granted on the four-and-a-half per cent. duties, and settled on her Royal Highness at her marriage.

**Griesbach, Caroline;** age 47.—£. 50. **Elizabeth;** age 44.—£. 50. **Frances;** age 34.—£. 50.  
—£. 150.

These pensions were granted in consideration of the attainments and services of their father, a celebrated musician, master of the private band of her late Majesty Queen Charlotte.

**Gwyn, Mary;** age 84.—£. 400.

Widow of General Gwyn, who held commissions in the army for 61 years, and was one of the King's equerries for 33 years. Upon his death, King George the Fourth granted this pension.

**Hayman, Ann;** age 85.—£. 266.

Sub-governess, and afterwards privy purse, to the Princess Charlotte. On her retirement, she was allowed her full salary, which she received for some years; by a mistake this was discontinued on the Queen's death, but the error was corrected by the grant of this pension. This pension is by patent under the great seal, for life.

**Hesse Homburg, H. R. H. the Landgravine of;** age 68.—£. 1,000.

Granted on the four-and-a-half per cent. duties, for the life of her Royal Highness.

**Jordan, Thomas;** age 58.—£. 78 four-and-half per cent. duties.

An old servant of the late Princess Charlotte of Wales.

**Ker, Lady Robert;** age 55.—£. 276.

This pension was granted by George the Fourth in consideration of the services of the father of Sir Robert to the Royal Family, and to the personal and gracious regard which was felt by the sovereign.

**Kuper, Rev. William;** age 66.—£. 400.

Eleven years tutor to her late Royal Highness the Princess Charlotte, in the German language, history and literature; at the close of which time this pension was granted at her Royal Highness's request.

**Leigh, George,** age 67, and **Mary,** age 55.—£. 700.

This pension is partly connected with military services, but mainly with services rendered in the royal household. The father, Mr. Leigh, had served in the American war; in Holland; as governor of the Leeward Islands, and commander-in-chief in the West Indies. On his return to England he served as equerry to the Prince Regent, and died groom of the bedchamber. Major-general Leigh served in the whole 51 years.

Mrs. Leigh is grand-daughter to Lord Holderness, who had been preceptor to George the Fourth. Mr. Leigh also served in the household of his late Majesty.

**Morell, Frances;** age 75.—£. 81.

Her grandfather and great-grandfather were both in the service of the Royal Family; her father was god-child of William Duke of Cumberland.

**Murray, Lady Louisa;** age 61.—£. 509.

Granted in consideration of the personal regard of their late Majesties King George the Third and Queen Charlotte for Lady Louisa Murray. The highly-distinguished military services of Sir George appear in the following official memorandum:—

"Sir George Murray entered the Army in 1789; he served the campaign in Holland and Flanders in 1793, and was engaged in the affair at St. Amand, the battle of Famars, the siege of Valenciennes, the attack of Lincelles, the investment of Dunkerque, and the attack of Lannay.

In 1794–5 he was in the retreat from Flanders through Holland and Germany, and was present at the affair at Boxtell and others during the movement.

In 1795 he formed part of the expedition that sailed for Quiberon, and in the autumn embarked for the West Indies in Christian's fleet, but re-landed on account of illness.

In 1798 he served as aid-de-camp to Major-general Campbell in Ireland, and in 1799 was employed on the quarter-master-general's staff on the expedition to Holland, where he was wounded in the action near the Helder.

In 1800 he sailed for the Mediterranean on the staff of the quarter-master-general, and was sent on a mission to Jaffa.

In 1801 he formed one of the expedition to Egypt, was in the action on landing, and in that of the 13th, as well as in the battle of the 21st March, where Sir Ralph Abercrombie met his death; likewise in the expedition against Rosetta, in the affair at Rhamania, and the investment of Cairo and Alexandria.

In 1802 he was adjutant-general in the West Indies; in 1803, assistant quarter-master-general at the Horse Guards, and, in 1804, deputy quarter-master-general in Ireland.

In 1805 he accompanied the expedition to Hanover under Sir George Don and Lord Cathcart, and in 1807 he served at the head of the quarter-master-general's department on the expedition to Stralsund, and the attack of Copenhagen.

In 1808 he went, as quarter-master-general, to Sweden with Sir John Moore, and afterwards to Portugal, where he arrived in time to be present at the battle of Vimiera; he

then

then accompanied Sir John Moore to Spain, and was present at the affairs of Villa Franca and Lugo, during the operations of his retreat, and at the battle of Corunna.

In 1809 he went again to Portugal as quarter-master-general, and was present on the advance to Oporto, on the passage of the Douro, and the capture of the city, as well as the subsequent operation in the north of Portugal. He was likewise at the battle of Talavera, and, in the retreat from thence, at the battle of Busaco, and the other affairs in Portugal in 1810; in the advance upon Massena's retreat in 1811; in the battle of Fuentes de Honor; the first seiges of Badajoz, and in whatever took place under the Duke of Wellington in that year.

In 1812 he obtained leave of absence, but, returning to the Peninsula before the opening of the campaign of 1813, he was present in the battles of Vittoria and the Pyrnees, on the passage of the rivers Bidassoa, Nivelle and Nive, and all the affairs and actions of that eventful year.

In 1814 he was engaged in the battles of Orthes and Toulouse, and the operations which led to them; and in the summer, on the restoration of peace, he returned to England. At the beginning of winter he was sent to Upper Canada, but hostilities having ceased, he lost no time in returning to Europe, although, unfortunately, he did not get back until the battle of Waterloo had taken place.

He then, however, joined the Duke of Wellington as quarter-master-general, and was appointed chief of the staff of the army of occupation, which he held until it was broken up. He has subsequently filled the situation of lieutenant-general of the Ordnance, commander of the forces in Ireland, secretary of State for the Colonial Department, and master-general of the Ordnance."

*Nicolay, Augusta, G. L.*; age 68.—£. 100.

Her father was surgeon to Frederick Prince of Wales, and after his death to the Princess Dowager; on his death she received the above pension.

*Pelham, Catherine*; age 76.—£. 233.

One of the women of the bed-chamber to the late Queen Caroline; her salary was continued when she left the household, and on its cessation this pension was granted.

*Rochatt, Ann*; age 78.—£. 20.

Nurse to her late Royal Highness the Princess Charlotte.

*Scott, Ann Lindsay*; age 37.—£. 250.

Daughter of Dr. Bankhead physician to George the Fourth.

*Sherkin, Amelia*; age 52.—£. 102.

Served in the household of her late Royal Highness the Princess Charlotte; when the alterations in her Royal Highness's household took place by order of the Prince Regent, in 1816, this pension was granted.

*Shirley, Richard*; age 74.—£. 67.

Granted as a royal bounty to the petitioner, who had served as coachman to the Princess Charlotte; he has a son wholly in a state of infirmity and dependent upon him.

*Stepney, Dame Catherine*; age 60.—£. 200.

Widow of Sir Thomas Stepney, who served the office of chamberlain to the Duke of York, gratuitously, from his Royal Highness's marriage to his death. This pension was granted at the request of his late Royal Highness.

*Sterkey, Rev. Alexander*; aged 70.—£. 400.

One of the preceptors and chaplains to the Princess Charlotte, from the time when her Royal Highness was eight years old to the day of her marriage. Mr. Sterkey abandoned his profession as a private tutor, in which he was making much money, in order to accept this appointment.

*Westmeath, Marchioness of*; age .—£. 386.

Granted at the express desire of his late Majesty King William the Fourth, Lady Westmeath having served as lady of the bedchamber to the Queen dowager. This pension is granted under the great seal, for life.

#### PENSIONS CONNECTED WITH LITERARY OR SCIENTIFIC EMINENCE, AND WITH USEFUL INVENTIONS AND ATTAINMENTS IN THE ARTS.

*Airey, Richarda*; age 33.—£. 300.

Wife of Professor Airey, astronomer royal, in consideration of whose scientific attainments this pension was granted; author of "Mathematical Tracts," "Gravitation," and numerous papers on astronomical and optical subjects in the Memoirs of the Royal Society, the Royal Astronomical Society, and the Cambridge Philosophical Society; late Plumian professor at Cambridge, fellow of the Royal Society, the Royal Astronomical Society, the Cambridge Philosophical Society, correspondent of the Institute of Paris, of the

the Royal Academy of Berlin, the Royal Academy of Palermo, the American Academy of Boston; awarded the Copley medal from the Royal Society for investigations on optics, principally connected with the modern theory of undulations; the medal of the Royal Astronomical Society for an examination of physical astronomy in regard to certain disturbances of the earth's motion, and the Lalande medal of the French Institute for his astronomical works.

*Banim, John*; age 42.—£. 150.

Author of several works of imagination and of poetry.

*Beaufort, Louisa Catherine*; age 58.—£. 81.

Daughter of the late Dr. Beaufort, author of "The Civil and Ecclesiastical Map of Ireland," and of an "Explanatory Statistical Memoir," for which the author received the large gold medal of Denmark; honorary member of the Royal Dublin Society, and one of the founders of the Royal Irish Academy. Miss Beaufort is herself the authoress of an essay upon the Irish Round Towers, which received the gold medal of the Royal Irish Academy.

*Bisset, Mary*; age 72.—£. 100.

Widow of the late Dr. Bissett, author of "The Life of Burke," of sketches of the lives of Pitt, Fox and Sheridan, of "The History of the Reign of George the Third," and various other works; master of arts and doctor of laws in the University of Edinburgh.

*Blair, Ann*; age 51.—£. 49.

Her father was the inventor of a machine for weaving sail-cloth, on which the Navy Board reported favourably. On his death, his widow and only daughter being left destitute, pensions were granted to both. The widow is now deceased.

*Brewster, Sir David*; age 56.—£. 297.

Author of several mathematical and scientific treatises; the inventor of the polyzonal lens for light-houses.

*Brown, Ann Elizabeth*; age 93.—£. 97.

Widow of the late Principal Brown, principal of the University of Aberdeen, and professor of divinity; author of essays on the Folly of Scepticism, and of the Natural Equality of Man. For 35 years he discharged the duty of principal of the university and professor of divinity.

*Brown, Jane*; age 75.—£. 58.

Daughter of the professor of civil history in the University of Saint Andrew's, and sister of the late Principal Brown, Marischal College, Aberdeen.

*Campbell, Thomas*; age 60.—£. 184.

Author of "The Pleasures of Hope," "Gertrude of Wyoming," and various other poetical as well as literary works.

*Cort, Caroline*, and *Cort, Catherine* (now *Liddon*); ages 54 & 47.—£. 19. each.

Daughters of the inventor of a method for rendering cast iron malleable. The memorial for a pension was referred to and reported on favourably by the comptroller of the Navy before the grant was made.

*Crowe, Eyre Evans*; age 39.—£. 100.

Author of various literary works.

*Cullen, Robena*; age 74.—£. 97.

Daughter of the late Dr. Cullen, in consideration of whose eminent services to medical science this pension was granted.

*Cumberland, Lady Albinia*, and *Gordon, Albinia Elizabeth*; ages 78 & .—£. 393.

The daughter-in-law and the grand-daughter of George Cumberland, the author; Mr. Cumberland, the husband and father of these parties, being also a military officer, who died in an official situation at Tobago.

*Dalton, John*; age .—£. 300.

Author of the "Atomic Theory," and of various philosophical and chemical works; president of the Literary and Philosophical Society of Manchester for many years, member of the Royal Academy of Sciences in Paris, Munich, Berlin, and Natural History Society of Moscow; honorary member of the Royal Society of Edinburgh, and of the societies of Bristol, Cambridge, Leeds, Sheffield and Yorkshire.

*Dalzell, Mary*; age 50.—£. 49.

Daughter of the late professor of Greek in the University of Edinburgh, member of the Royal Society of Edinburgh.

*Dickson, Jane, Caroline Elizabeth* and *Louisa Sarah*; ages 59, 50 & 54.—£. 507.

Daughters of a late bishop of Down, who died, leaving his family unprovided for, and who, from his character and attainments, was considered to be entitled to the bounty of the Crown. These pensions were granted to his daughters, whose circumstances still require their continuance.

*Duncan, Wilhelmina*; age 65.—£. 39.

The widow of the late Rev. W. Duncan, master of the grammar school at Aberdeen, a learned and respectable man. He left a widow and six infant children in reduced circumstances.

*Drysdale, Martha*; age 78.—£. 49.

Niece and representative of the late Robert Hugh Blair, author of the celebrated Sermons, a work on rhetoric, and "Essays on Criticism."

*Faraday Michael*; age .—£. 300.

The celebrated chemist; author of "Chemical Manipulation," of various papers published in the Philosophical Transactions, and in the Quarterly Journal of Science, and Philosophical Magazine; corresponding member of the Academie Royale de Science, Institute de France, the Society of Medical Chemistry at Paris, the Paris Philomathic Society, the Berlin Royal Academy of Science, of the Palermo Academy of Science, Paris Royal Academy of Medicine, Frankfort Philosophical Society, Basle Natural History Society, foreign member of the Philadelphia College of Pharmacy, the Gottingen Royal Society, the Modena Society of Science, honorary member of the Cambridge Philosophical Society, the Bristol Institution, the Cambrian Society, Swansea; the Edinburgh Society of Arts, the St. Petersburgh Imperial Academy of Science, the Paris Society of Physical Science, of the Hull Literary and Philosophical Society, the Institute of British Architects, the Edinburgh Royal Society, the London Medico-Chirurgical Society, the Lisbon Society of Pharmacy, member of the Copenhagen Royal Society of Science, fellow of the Heidelberg Society for Natural Science, and the American Academy of Arts and Science, Boston; corresponding associate of the Imperial and Royal Academy of Florence, doctor of civil law, Oxford; fellow of the Royal Society, member of the Senate of the University of London, professor of chemistry at the Royal Institution.

*Gilholly, Maria*; age 65.—£. 21.

Widow of Dr. Gilholly, fellow of the College of Physicians, and deputy state physician, Ireland. He died, leaving a widow and eleven children.

*Grant, Ann*; age 83.—£. 98.

Daughter of an American royalist. These pensions were granted on a memorial drawn up by the late Sir Walter Scott, signed by Lord Jeffrey and Mr. Henry Mackenzie. Mrs Grant is the authoress of "Letters from the Mountains," "Memoirs of an American Lady," "Essays on the Superstitions of the Highlands," and other works.

*Halifax*,

<i>Gertrude</i> ; age 61.—£. 48.	<i>Charlotte</i> ; age 57.—£. 48.
<i>Mary Anne</i> ; age 55.—£. 48.	<i>Caroline</i> ; age 54—£. 48.
<i>Catherine</i> ; age 53.—£. 48.	<i>Elizabeth</i> ; age 52.—£. 48.

} £. 288.

Daughters of Dr. Halifax, tutor of Trinity Hall, Cambridge, afterwards Bishop of Gloucester. From this see he was translated, at the desire of George the Third, to the Bishopric of St. Asaph, but died before the receipt of income indemnified him for the expenses attendant on his translation.

*Ivory, James*; age 73.—£. 300.

The celebrated mathematician; author of various articles in the Philosophical Transactions of London, and in the Edinburgh Transactions, on the higher branches of Mathematics and Astronomy; fellow of the Royal Societies of London and Edinburgh, corresponding member of the Institute of France, and of the Royal Society of Gottingen.

*Jamieson, John*; age 80.—£. 100.

Author of "The Etymological Dictionary of the Scottish Language;" "The Historical Account of the Ancient Chaldees of Ionia," and various other literary, historical and poetical works; member of the Royal Society of Edinburgh, the Antiquarian Society of Scotland, royal associate of the Royal Society of Literature, the Society of Northern Literature of Copenhagen, Literary Society of America, and the Literary and Antiquarian Society of Perth. Since the commencement of this inquiry Dr. Jamieson has died.

*Kirwan, Wilhelmina and Marian*; ages 36 & 37.—£. 266.

Daughters of the Rev. Mr. Kirwan, whose eloquence in the pulpit was for many years the main support of the charities of the city of Dublin. The character and services of Dr. Kirwan were thus described, on the 19th of January 1792, by the late Mr. Grattan, in the Irish House of Commons: "This man preferred our country and our religion, and brought to both a genius superior to what he found in either. He called forth the latent virtues of the human heart, and taught men to discover in themselves a mine of charity, of which the proprietors had been unconscious; in feeding the lamp of charity he almost exhausted the lamp of life. He comes to interrupt the repose of the pulpit, and shakes one world with the thunder of the other; the preacher's desk becomes the throne of light; around him a train, not such as crouch and swagger at the levees of princes, but that wherewith a great genius peoples his own state. Charity in extacy, and Vice in humiliation, Vapidity, Arrogance and Pride appalled by the rebuke of the preacher, and cheated for a moment of their native improbity." These pensions are by patent under the Great Seal for life.

*Lander, Harriet, and Harriet Ann*; ages 33 & 8.—£. 120..

The widow and daughter of the enterprising African traveller, who perished in his attempts to explore the African continent.

*Lloyd, Mary Harriett*; age 49.—£. 200.

Widow of Dr. Lloyd, preacher at Lincoln's Inn, regius professor of Divinity at Oxford, mathematical lecturer and tutor at Christ-church, and appointed in 1827 Bishop of Oxford.

*M'Crie*,

*McCrie, Mary*; age 50.—£. 100.

Widow of the late Dr. M'Crie, author of "The Life of Knox," "The Life of Andrew Melville," "The History of the Progress and Suppression of the Reformation in Italy," "The History of the Progress and Suppression of the Reformation in Spain," editor of the Memoirs of Mr. William Veitch, and George Brysson, and other narratives illustrative of Scotch history, together with various other works.

*M'Farlane, Margaret*; age 59.—£. 97.

Niece of the late Walter M'Farlane, who devoted much of his time and fortune to the statistics, geography and history of Scotland, and whose character was described by the University of Glasgow on founding the M'Farlane Observatory, as "accomplished in literature, and history, and antiquities."

*Mackenzie, Hope and Helen*; ages 52 & 41.—£. 97.

Children of the late Henry Mackenzie, author of "The Man of Feeling."

*Maturin, Harriot*; age 65.—£. 43.

The widow of the late Reverend Charles Maturin, author of various dramatic works and works of imagination.

*Millingen, James*; age .—£. 100.

Reward for literary attainments; royal associate of the Society of Literature.

*Mitford, Mary Russell*; age 51.—£. 100.

Authoress of various dramatic and poetical works, and other works of imagination.

*Montgomery, James*; age 66.—£. 150.

Author of "The World before the Flood," "The West Indies," and various other poetical works.

*Moore, Thomas*; age 57.—£. 300.

Author of "Lalla Rookh," "The National Melodies," and other poetical works; of the lives of Sheridan, Byron, Lord Edward Fitzgerald, and of "The History of Ireland," which is still in progress.

*Mudge, Thomas*; age 77.—£. 100.

Son of the inventor of certain Time Keepers, into the merits of which a Committee of The House of Commons, of which Mr. Wyndham was chairman, and Mr. Pitt was a member, inquired. The report was favourable, and, on the application of Mr. Wyndham to Mr. Pitt, this pension, which had been previously granted to the inventor, was, on his death, continued to his son.

*Nash, Mary*; age 65.—£. 100.

Widow of the late architect, who directed the improvements in the Regent's-park, in Regent-street, and in Waterloo-place.

*O'Keefe, Adelaide*; age .—£. 50.

The only surviving child of O'Keefe, the dramatist, author of various works for the stage.

*Ouseley, Sir William*; age 72.—£ 100.

A distinguished oriental scholar; one of the royal associates of the Society of Literature; author of essays on Persian Miscellanies, "Travels in the East," "Observations on Gems and Medals," "An Epitome of Persian History," editor of "Burckhardt's Travels," member of the Asiatic Society of Calcutta, the Antiquarian Society of Edinburgh, University of Rostock, University of Gottingen, Royal Society of Edinburgh, Dutch Institute of Amsterdam, Literary and Philosophical Society of Newcastle, and doctor of laws in the University of Dublin.

*Outram, Margaret*; age .—£. 97.

Daughter of the late Dr. James Anderson; in consideration of whose works upon agriculture and statistics this pension was granted; Mrs. Outram was married to the civil engineer, from the contraction of whose name the familiar phrase of tram-roads is now derived.

*Page*,

*Mary Harriet*; age 34.—£. 60. *Anna*; age 29.—£. 60. } £. 240.

*Emma Rose*; age 27.—£. 60. *Elizabeth*; age 26.—£. 60. } £. 240.

Orphans of a late under-master and head-master of Westminster school; when he died, after 15 years' service, at the early age of 40. His widow received a pension, which was considered as royal bounty, for the relief of her necessity, and as a tribute to her husband's merits. On her death, the pension of 300*l.* was divided amongst her five daughters, one of whom is since deceased.

*Paley, Family of*.—£. 200.

Daughter-in-law and grandchildren of the late Archdeacon Paley, author of treatises on "Moral Philosophy," the "Evidences of Christianity," "Horæ Paulinæ," "Natural Théology," and other works.

*Pond, Ann Gordon*; age 49.—£. 200.

Widow of the late astronomer royal. The application for this pension was accompanied by testimonials from Professor Airey, Professor Peacock, Professor Challis, Professor Rigaud, the Reverend Richard Sheepshanks, and the Reverend George Fisher, Messrs. Davies Gilbert, Francis Baily, Lubbock, Barlow, Riddle, Captain Smith, Professor Bessel, Professor Schamacher; and further documents were laid before the Treasury from Messieurs Biot and Arago.

*Pye, Martha*; age 66.—£. 60.

Widow of the late poet laureate.

*Robinson, Rachael*; age 74.—£. 184.

Widow of the late Professor Robinson, whose memoirs have been written by Playfair and Dr. Gleig. At the age of 26 he was appointed lecturer on chemistry at Glasgow, on the removal of Dr. Black to Edinburgh; professor of natural philosophy in Edinburgh, the original framer and secretary of the Royal Society of Edinburgh, and member of several of the principal academies of science in foreign countries. Professor Robinson was employed by Government to make an experimental voyage with Harrison's chronometer, but never received any remuneration for his labours.

*Russell, Eleonora*, Daughters of; ages 54 & 58.—£. 64.

Grand-daughters of Robertson, the historian. A pension was granted to the mother of these ladies, with a survivorship to her daughters; of these one is now dead.

*Smith, William*; age 69.—£. 100.

Author of various works on geology, of "The Map of the Delineations of the Strata of England and Wales," and of various other works on geological topography; honorary member of the Philosophical Societies of Yorkshire, Scarborough, Bristol, Leeds, and of the British Association for the Promotion of Science.

*Somerville, Mary*; age 58.—£. 300.

Author of "The Mechanism of the Heavens," "The Connexion of the Physical Sciences." This work has been translated into German and French, under the superintendence of Arago, astronomer royal of France; author of an article on Halley's comet and of communications to the Royal Society. The bust of Mrs. Somerville has been placed by the Royal Society in their hall. Mrs. Somerville is an honorary member of the Royal Astronomical Society of London, and of the Scientific Societies of Dublin, Bristol and Geneva.

*Somerville, Janet, Margaret and Martha*; ages 58, 54 & 53.—£. 97.

Daughters of the late Dr. Somerville, an active member of the General Assembly of Scotland. These pensions were granted as a reward for his successful literary labours exhibited in his lives of King William and Queen Anne.

*South, Sir James*; age .—£. 300.

Author of "Observations on the best Mode of examining the Double or Compound Stars," and the catalogue of those stars, and various other astronomical works; member of the Imperial Academy of Science of St. Petersburg, of the Imperial Society of Natural History of Moscow, foreign member of the Royal Academy of Science and Literature at Palermo, corresponding member of the Royal Academy of Science, Literature and Art, of Modena; corresponding member of the Royal Academy of Science and Belles Lettres at Brussels, corresponding member of the Royal Academy of Science at Naples, honorary member of the Royal Irish Academy, honorary member of the Cambridge Philosophical Society, fellow of the Royal Society of Edinburgh, fellow of the Linnaean Society of London, fellow of the Royal Astronomical Society of London, fellow of the Royal Society.

It ought to be mentioned that, at the time when it was thought desirable by some persons to have a second national observatory, Sir James South offered to build it at his own expense, and endow it with his own magnificent instruments. Objections were felt by the Government to this proposal, which consequently was not carried into effect.

*Souhey, Robert*; age 63.—£. 455.

Author of "Joan of Arc," "Thalaba," "Madoc," "Kehama," "Roderic," and various other poetical works; of "The Life of Nelson," "The Chronicle of the . . ." "Letters," of "The Life of Wesley;" of "The History of Brazil," "The Book of the Church, Vindiciae Ecclesiae Anglicanae," "The History of the Peninsular War," "Moral and Political Essays," "Naval History of England," "Colloquies on the Progress and Prospects of Society," and "The Life of Cowper;" poet laureate; member of the Royal Spanish Academy, the Royal Spanish Academy of History, the Royal Institute of the Netherlands, the Cymmdorion, the Massachusetts Historical Society, the Royal Irish Academy, the Bristol Philosophical and Literary Society, the Metropolitan Institution, the Philomathic Institution, the Banff Literary Society, the Royal Society of Literature, the American Antiquarian Society, the Rhode Island Historical Society, the Royal Society of Northern Antiquities, Copenhagen; the Lawrenceville Lyceum, West Pennsylvania.

*Spray, Mary*; age 71.—£. 57.

Widow of Dr. Spray, a distinguished musician in Ireland. Dr. Spray's distinguished talents had always been given gratuitously, when occasions offered, of promoting charitable objects and institutions.

*Stewart, Maria D'Arcy*; age 45.—£. 200.

Daughter of the late Professor Dugald Stewart, author of "The Outlines of Moral Philosophy," lives of Dr. Adam Smith, Dr. Robertson, Dr. Reid, "The Elements of Moral Philosophy," "Philosophical Essays," "Dissertation on the Progress of Metaphysical Science," "Philosophy of the active and moral Powers;" lecturer for 39 years in the University of Edinburgh, for 14 years in the mathematical class, and during the remaining period in that of moral philosophy, to which he added a course of lectures on political economy; fellow of the Royal Societies of London and Edinburgh, honorary member of the Imperial Academy of Sciences at St. Petersburg; member of the Royal Academies of Berlin and Naples, the American Societies of Philadelphia and Boston, and honorary member of the Philosophical Society of Cambridge.

*Taylor,*

**Taylor, Marion**; age 72.—£. 49.

Her late husband made useful discoveries in respect to steam navigation. His claims were considered by the late Mr. Huskisson, by whom this pension was recommended.

**Thomson, Jane**; age 57.—£. 150.

Widow of Dr. Andrew Thomson, a distinguished clergyman of the church of Scotland, who died suddenly; author of "Sermons on Infidelity," and various other theological works; an active member of many religious and philanthropic institutions.

**Thorpe, Benjamin**; age 54.—£. 160.

Author of various works on Anglo-Saxon literature, fellow of the Society of Antiquaries, honorary member of the Icelandic Literary Society of Copenhagen, member of the Camden Society.

**Turner, Sharon**; age 71.—£. 200.

Author of "The History of the Anglo-Saxons, from the earliest time to the Norman Conquest;" of "The History of England during the Middle Ages;" of "The History of the Literature, Poetry, Religion and Language of England" during that period; "The Modern History of England, containing Reigns of Henry the Eighth, Edward the Sixth, Queen Mary, and Elizabeth;" "The Sacred History of the World, philosophically considered," together with various other historical and literary works; member of the Royal Society of Antiquaries, royal associate and member of the Royal Society of Literature, honorary member of the American Historical Society of Boston.

**Usher, Frances, Margaret and Alicia**; ages 69, 65 & 45.—£. 95.

Children of the late Dr. Usher, fellow of Trinity College, Dublin, and astronomer royal in Dublin. This pension was granted in consideration of his character and services. Dr. Usher was father to Sir T. Usher, of the royal Navy, whose services will appear from the following paper:—

"Captain Sir Thomas Usher, c. B., K. C. B.

Lieutenant	- - - - -	17 July 1797.
Commander	- - - - -	18 October 1806.
Captain	- - - - -	24 May 1808.

Was midshipman of the Invincible in the battle of the 1st June; commanded a party of seamen at the reduction of St. Lucia; was acting-lieutenant of the Pelican brig when she beat off the Médée French frigate; was also in that brig in her engagement with the Trompeur, French brig-of-war, in which the latter blew up; was severely wounded and taken prisoner in an attack with 19 men on a French privateer with a crew of 83 men; he subsequently boarded and carried, with 12 men, La Trompeuse, French privateer of five guns and 70 men; whilst serving in the Pelican was engaged against the enemy in more than 20 boat attacks.

While in command of the Colpoys brig, was most actively employed on the coast of Spain, and, for his services, was promoted to the rank of commander in 1806.

While in command of the Redwing sloop, he was attacked by six armed, which he beat off, sinking two and driving two others on the rocks, and taking seven merchant vessels.

He was promoted to the rank of captain in 1808, and continued in command of the Redwing; for his exertions when in command of the Leyden, conveying troops to Holland, he received the thanks of the Admiralty.

When in command of the Undaunted, the boats of that ship were most actively and successfully employed along the coast of Spain, taking and destroying numerous batteries, privateers' gun-boats and merchant vessels, more particularly at Cassis; and Port Nouille, on the coast of France.

While in command of the Undaunted, received Napoleon Buonaparte on board and conveyed him to Elba.

He was nominated a companion of the Bath in the year 1815.

In 1830 he was appointed resident agent for transports at Deptford.

In 1831, was appointed a commissioner of the Navy, resident at Bermuda, and in 1832 was appointed captain-superintendent of that yard, and a commodore of the second class, which situation was abolished in 1838.

In 1831 he was created a knight-commander of the Royal Hanoverian Guelphic Order."

**Whitelaw, Eleanor**; age 79.—£. 177.

Widow of the late Rev. Mr. Whitelaw, rector of St. Catherine's, Dublin, distinguished for his statistical and topographical inquiries, as well as for the discharge of his professional duties. The statistical census of Dr. Whitelaw is now preserved as a public document in the Record-office of Dublin.

**Wilde, John**; age 75.—£. 138.

Professor of civil law in the University of Edinburgh.

**Wren, Constantia Maria**; age 70.—£. 61.

Daughter of the grandson of Sir Christopher Wren; her father served in the Army for 40 years, having been present at the battles of Dettingen and Fontenoy.

**Young, Ann**; age 81.—£. 445. Reversionary to her daughter, Olivia Margaret, aged 45.

This pension was granted to Ann Young for her life, with a reversion after her death to her three daughters, in certain proportions. This pension is granted by patent under the great seal enrolled in Chancery.

## ROYAL BOUNTY.

The husband of Mrs. Young was a senior fellow of Trinity College, Dublin, who, in consideration of his acquirements and character, was appointed in 1793 Bishop of Cloyne; having, at that time, no dependence but his fellowship, and having a family of 11 children, his circumstances were such as even to make it difficult for him to pay the fees of his patent and induction.

He died within two years, after much suffering, of a cancer on his tongue; he left his family destitute. Upon a representation of these facts this pension was granted.

Mr. Young's eldest son served in the Army at the Cape, in Egypt, and as aid-de-camp to Lord Cornwallis in India, where he fell a victim to the climate.

Her second son served in the 19th light dragoons in India; was at the siege of Valore and the battle of Assaye, where he was severely wounded. On both occasions he received the thanks of his colonel, Sir R. Gillespie, and was noticed by Sir Arthur Wellesley; he died in India.

Her youngest son, Mr. Percy Young, was a deserving officer in the customs, who died in the public service.

*Young, Ann*; age 54.—£. 9. *Janet*; age 60.—£. 9. *Margaret*; age 58.—£. 9.—£. 27.

Daughters of Dr. Young, who, in 1793, published a volume of essays, which, by the Government of the day, was thought to have a useful effect; he died in 1806, when his widow received a pension; upon her death these pensions were granted to her children.

## PENSIONS GRANTED AS ROYAL BOUNTY.

*Allen, Lord*; age 53.—£. 266.

Granted as an act of royal bounty in consequence of the circumstances of the party; this grant is by patent under the great seal, enrolled in Chancery, and for the life of the grantee.

*Arbuthnot, Catherine*; age 50.—£. 188. *Jane*; age 58.—£. 138.—£. 276.

Grant of royal bounty, in consideration of the circumstances of the parties.

*Aston, Lord*; age .—£. 97.

This pension has been surrendered.

*Battley, Arabella*; age 57.—£. 43.

Widow of a gentleman engaged in trade, and who had contributed largely to the public revenue; by a series of misfortunes he was subject to great losses, leaving a wife and nine children; this pension was granted in consideration of their distress.

*Bernard, Edward*; age 75.—£. 400.

This pension was granted by George the Fourth to carry into effect a special desire of his royal father, who was much attached to Mr. Bernard and his late father the provost of Eton.

*Buchanan, Lady Janet*; age 52.—£. 138.

Daughter of the late Lord Caithness; the pension was granted as royal bounty in consequence of the circumstances of the party. This pension was recommended by Mr. Canning.

*Caithness, Frances Harriet, Countess of*; age 50.—£. 276.

Granted as royal bounty in consideration of the circumstances of the party.

*Caithness, Jean, Countess of*; age 69.—£. 276.

This pension was granted as royal bounty to the widow of the late Lord Caithness, in consideration of her circumstances.

*Campbell, Pamela*; age 42.—£. 47.

Daughter of Lord Edward Fitzgerald, whose children were attainted in the Irish Rebellion; this lady is married to a distinguished officer, Sir Guy Campbell.

*Cicciaporci, Lucretia*; age 52.—£. 184.

Daughter of a Scotch lady who married in Italy. The family fortune was lost at the invasion; the wife and daughter were at the time in England, in distressed circumstances; upon the statement of their distress to George the Third this pension was granted; the wife is now dead; the daughter, a widow, with eight children.

*Cochburn, Mary*; age 82.—£. 139.

Royal bounty, in consideration of the circumstances of the party, and the loss of West India property. The party is now 82 years of age.

*Colville, Catherine*; age 65.—£. 97.

This pension was granted upon the surrender by the party's father of a place in the Customs. Her five sons have all been in the public service; her father had spent many years in the military service of his country.

*Colville, Ann*; age 71.—£. 97.

Sister of the lady whose case has been just described.

*Coke, Elizabeth Ann*; age .—£. 81.

A grant of royal bounty to the daughter of a clergyman, who died leaving her without provision.

*Coppinger,*

*Coppinger, Jane Letitia*; age 61.—£. 98.

Granted as an act of royal bounty to the pensioner, who is in her 62d year.

*Courtenay, Lady Elizabeth*; age .—£. 81.

Your Committee do not recommend that this pension should be provided for.

*Cranstoun, Lady*; age 47.—£. 97.

Widow of the late Lord Cranstoun, who in his youth served in the Navy. At her husband's death she was left without provision.

*Cranstoun, Lord*.—£. 184.

This pension is resigned.

*Crawford, Jane*; age 50.—£. 43.

Daughter of a physician resident in Antrim. He effected some useful improvements with respect to bleaching. Shortly before his death he met with pecuniary misfortunes, and this pension was granted to his daughter on his decease.

*Crocat, Louisa Ann*; age 35.—£. 300.

Wife of a gentleman who met with great commercial losses, was reduced to severe distress, and compelled to relinquish trade. This pension was granted in compliance with the last request of a deceased member of the Royal Family.

*Crofton, Caroline*; age 60.—£. 142.

A pension had been granted to the mother of this lady, and on her death was continued in part to the daughter, in consequence of her circumstances.

*Dalrymple, Elizabeth*.—£. 49.

This pension has been resigned.

*D'Este, Colonel Sir Augustus*; age .—£. 467. *D'Este, Miss*; age .—£. 467.

*Elibank, Lady*; age 53.—£. 184.

A grant of royal bounty, in consideration of the circumstances of the party.

*Elphinstone, Lord*.—£. 276.

This pension was resigned previous to the appointment of Lord Elphinstone to the government of Madras.

*Fagel, Family of*.—£. 1,026, four-and-a-half per cent. duties.

After the revolution of Holland this pension was granted for the life of Henry Fagel, and after his decease for the lives of James Fagel, Francis William Fagel, Agnes Margaret Fagel, Robert Fagel, Catherine Anne Fagel and William Henry James Fagel. The late Baron Henry Fagel commuted his life-interest in this pension. On his death the reversionary right to the pension has revived, and is now legally receivable by Robert Fagel, Catherine Anne Fagel, and William Henry James Fagel, and the survivor or survivors of them during their respective lives. James Fagel, Catherine Anne Fagel and William Henry James Fagel are deceased, but the pension remains to the three survivors.

*Falkland, Lord*; age 34.—£. 184.

This grant was made in consequence of the circumstances of the party, and entered into the family arrangements concluded on marriage.

*Faulkner, Ann*; age 55.—£. 356.

Widow of the late Sir Frederick Faulkner, whose circumstances at his decease were such as to render the grant of this pension to his widow an act of royal bounty. This grant is by letters patent under the great seal of Ireland, enrolled in Chancery, and for the natural life of the grantee.

*Fetherstone, Catherine, Sarah, Isabella, Maria and Octavia*; ages .—£. 266.

This pension is granted for the lives of the parties, with survivorship. The grant is made patent under the great seal, and enrolled in Chancery.

*Fitzclarence, Lady Mary* (now *Fox*); age 38.—£. 500. *Lady Elizabeth* (now *Erroll*); age 37.—£. 500. *Lady Augusta* (now *Gordon*); age 35.—£. 500. *Lady Amelia* (now *Faulkland*); age 31.—£. 500. *Lord Frederick*; age .—£. 500. *Lord Adolphus*; age 35.—£. 500.

The four first of these pensions were granted by his late Majesty King George the Fourth, and made chargeable on the four-and-a-half per cent. duties.

*Fitzhume, Madame*; age 70.—£. 43.

A lady of Irish descent, who received this grant as royal bounty, for the relief of distress.

*Fuller*;

*Caroline*; age 59.—£. 50. *Louisa*; age 55.—£. 50 }  
Isabella; age 50.—£. 50 } 150.

Daughters of a Jamaica proprietor, from whom they had expected a considerable provision; those expectations were frustrated by litigation and other circumstances; and, being thrown into great distress, these pensions were granted.

*Ferguson, Elizabeth*; age 69.—£. 97.

A grant of royal bounty, in consideration of distressed circumstances.

*Gordon, Ann Goderich*; age 82.—£. 97.

A grant of royal bounty for the relief of distress.

*Gwynne, Georgiana Maria*; age 50.—£. 115. *Cockburn, Mary Anne*; age 65.—£. 115. *Wellington, Charlotte Henrietta Maria*; age 63.—£. 115. *Eyre, Julianas Mary Anne*; age 59.—£. 115.—£. 460.

## ROYAL BOUNTY.

Granted as royal bounty, in consideration of the circumstances of the parties. The Committee do not recommend that provision should be made for the pension of 115*l.* to Mrs. Wilkins, sister of these ladies.

*Gray, Lady.*—£. 97.

This pension is resigned.

*Haldane, Euphemia*; age 51.—£. 63.

Granted as royal bounty, in consideration of the circumstances of the party.

*Hamilton, Henrietta*; age .—£. 97.

Royal bounty for the relief of distress. The party is now suffering from permanent illness.

*Hay, Lady Mary*; age 57.—£. 276.

An act of royal bounty, in consequence of the confined circumstances of the party.

*Hay, Lady Jane.*—£. 97.

This pension is now resigned.

*Hay, Lady M. T.*—£. 97.

The Committee do not recommend that provision should be made for the re-grant of this pension.

*Hernon, Sarah*; age .—£. 61. *Elizabeth*; age 80.—£. 61.—£. 122.

Granted as royal bounty for the relief of distress.

*Hereford, Viscount*; age 61.—£. 582.

The Committee do not recommend that provision should be made for the re-grant of this pension.

*Home, Earl of*; age 68.—£. 276.

Your Committee do not recommend that provision should be made for the re-grant of this pension.

*Hutchison, Elizabeth*; age 73.—£. 49.

Royal bounty granted to the widow of an episcopal clergyman in Scotland, who died, leaving her in distressed circumstances.

*Inglis, Henry*; age 31.—£. 24.

Granted as royal bounty to the party, who is suffering under grievous and permanent disability.

*Jarnac, Madame de*; age 82.—£. 177.

An Irish lady by birth. Her husband one of the emigrants who lost his fortune by the French revolution. This pension was granted to her as a British subject in distress.

*Jephson, Arabella*; age 28.—£. 28. *Henrietta*; age 30.—£. 28.—£. 56.

Children of a clergyman, who died in distressed circumstances; these pensions were granted as a royal bounty.

*Jodrell, Augusta*; age 69.—£. 177.

Grant of royal bounty, in consideration of distressed circumstances.

*Johnston, Julia*; age .—£. 50.

This family lost considerable property in consequence of the independence of the British North American colonies; in consideration of those losses this pension was granted.

*Kennedy, Margaret, Ann, Barbara, Frances, and Eleanor*; ages 65, 59, 56 & 49.—£. 110.

Widow and daughters, whose property was lost through the failure of a bank; their brother died suddenly when he was about to be named to a professorship in Edinburgh.

*Kennedy, Elizabeth, Susanna, Mary and Ellen*; ages 48, 38, & 31.—£. 88.

A grant of royal bounty to the daughters of a deserving clergyman, who held a curacy of 70*l.* a year in Cork for between 40 and 50 years; he died leaving 10 children. This pension is granted by patent under the great seal for life.

*Kircudbright, Baroness, and M'Lellan, C. E.*; age 58.—£. 200.

This pension was granted as a royal bounty, in consideration of the circumstances of the parties.

*Lambert, Catherine*; age 84.—£. 88. *Florinda and Catherine*; ages 46 & 45.—£. 177.—£. 265.

The latter of these pensions is granted by patent under the great seal, enrolled in Chancery, for the life of the parties; the former is by King's letter; they were granted as royal bounty, in consequence of the distress of the parties.

*Latouche, Lady Cecilia*; age 68.—£. 95.

Granted as royal bounty from the circumstances of the party. The grant is by patent under the great seal for life.

*Legertwood, Jean*; age 80.—£. 58.

A grant of royal bounty for the relief of distress; the party is 80 years of age.

*Leith, Mary*; age 63.—£. 97.

Granted as a royal bounty for the relief of an orphan in distress.

*Leslie,*

*Leslie, Eugenia*; age 92.—£. 58.

A grant of royal bounty, in consideration of the distressed circumstances of the party, who is now 90 years of age.

*Lindsay, Agnes*; age —£. 98.

This pension was granted as an act of royal bounty; the pensioner is the niece of the late Sir Hugh Innes.

*Lysaght, Elizabeth Hannah*; age 77.—£. 43. *Sophia*; age 40.—£. 43—£. 86.

Widow and daughter of the late Edward Lysaght, whose wit and literary powers had made him an ornament of the Irish bar. He was chosen by the Duke of Wellington as Irish secretary, to assist in forming a police establishment in Dublin, and on its organization was appointed a magistrate and advising counsel; he died within nine months after his appointment, at the early age of 44, leaving his widow and orphans in such a position as to excite the sympathy of the Irish bar; a large subscription was raised by the profession for the benefit of his orphans; unfortunately much of this subscription was lost, and the pensions in question have been granted.

*Mackay, Mary*; age 69.—£. 97. *Ann*; age 66.—£. 97.—£. 194.

Daughters of the Right honourable G. Mackay, who died leaving a large family totally unprovided for. Although these pensions are continued upon this list, it is but right to add, that highly honourable arrangements have been made by parties interested in the case to prevent these pensions from creating any charge to the public.

*Molesworth, Mary*; age 72.—£. 176.

Her father was 39 years a servant of the Government; her eldest brother an officer in the Navy. Granted in consideration of her circumstances.

*Molesworth, Viscount*; age 52.—£. 354.

Granted as a royal bounty, in consequence of the narrow circumstances of the party. This peerage was originally conferred for public services recognized in the very grant, the fees upon the patent being dispensed with. This grant is by patent under the great seal for life.

*Montfort, Lord*; age 65.—£. 622.

Granted as royal bounty in consequence of narrow circumstances. This pension became the matter of an adjudication in a decree pronounced by the late Sir John Leach, master of the Rolls, by which a portion of this pension was assigned for the support of another member of Lord Montfort's family.

*Mountmorris, Viscount*; age 42.—£. 308.

Granted as royal bounty for the relief of distress. The family estates have passed into the hands of another branch.

*Munster, Countess of*; age 41.—£. 500.

This pension was originally granted to the Earl of Munster; but at the desire of his late Majesty was resigned, and re-granted to Lady Munster.

*Muirson, Mary Ann*; age 39.—£. 40. *Clara*; age 35.—£. 40.—£. 80.

The circumstances under which these pensions were granted are stated in the original letter from Mr. Pitt, of which the following is a copy:—

Sir,

Downing-street, 31 August 1804.

It was impossible for me to have received your letter without feeling anxious to remove, as far as lay in my power, the distress which you describe yourself as suffering from the pain of a dangerous illness, and the prospect of leaving your wife and family without support.

It is therefore very gratifying to me to be able to administer some relief to your mind, by assuring you that I shall not fail to recommend to his Majesty to grant a pension, to take place from the time of your decease, of 40*l.* per annum for each of your four daughters, during their lives, and of 50*l.* per annum for your son, for his maintenance and education, until he shall have arrived at a proper age for holding a commission in his Majesty's service.

As your children are all minors, it will be necessary that this allowance should be placed in the hands of trustees for their use.

You will therefore be so good as to furnish me with the names of the two persons whom you may fix upon for this purpose, and also the respective names of your five children.

I am happy to be able to add that this arrangement will not preclude your family from the benefit of the compassionate fund.\*

I am, Sir,

Your most obedient humble servant,

(signed)

W. Pitt.

*Murray*,

*George*; age 50.—£. 97. *Mary*; age 51.—£. 97. } £. 291.  
Elizabethe Ann; age 55.—97.

Younger children of the late Lord Elibank. These pensions were granted as royal bounty in consequence of the circumstances of the family. Prior to the decease of his late Majesty,

\* The compassionate allowance I declined at the period of my marriage, in the year 1826.

Clara Muirson, Widow.

Majesty, it had been determined that the pension to Elizabeth Ann Murray should be transferred to her daughter Mary Clara Buchannan, in consideration of the services rendered to the fine arts by her father, Mr. Buchanan, who had been instrumental in some degree in procuring many of the pictures for the national collection. From the death of his late Majesty this transfer remains still to be executed.

*Murray, Sarah*; age 65.—£. 43.

Wife of the Rev. Mr. Murray, chaplain and superintendent of the Foundling Hospital, Dublin, for nearly 34 years. In consequence of his services the Archbishop of Dublin, Dr. Cleaver, requested, as Mr. Murray was precluded from preferment, that he might receive some other mark of favour. His pension was accordingly granted.

*Ogilvie, Jean*; age 68.—£. 24.

Three pensions of 24*l.* each were granted as royal bounty to this lady and her two sisters. She is the only survivor, and is now 68 years of age.

*Ormsby, Margaret*; age 56.—£. 88.

Widow of a clergyman, who died, leaving a wife and seven children in distress.

*Parsons, Mary*; age 60.—£. 177.

Granted in consideration of the distressed circumstances of the party; the grant is by patent under the great seal for life.

*Phillott, Lady Frances*; age 74.—£. 88.

A grant of royal bounty; widow of a clergyman, no part of whose property came to her.

*Richardson, Fanny, Elizabeth and Sarah*; ages 45, 40 & 37.—£. 101.

Daughters of a gentleman who, being proprietor of one-fourth of Drury-lane theatre, suffered severely by the calamity of the fire. Upon his death the case of his widow and three daughters being made known to Mr. Canning, he recommended the grant of this pension, as an act of royal bounty.

*Roscommon, Earl of*; age .—£. 192.

Granted by patent under the great seal for the life of the party. Lord Roscommon states that he has claims upon the Government in consequence of the non-fulfilment to his ancestors of grants made in the time of Queen Elizabeth. The Committee have not felt that they had any authority to inquire into these allegations.

*Roscommon, Countess of*; age 76.—£. 88. *Dillon, Lady Maria*; age 39.—£. 43.—£131.

Widow and daughter of the late Lord Roscommon. Owing to the troubles and revolutions of times past, the property originally granted or promised to be granted to the family of Roscommon, distinguished as it was in politics and in literature, has been lost. These pensions were granted as marks of royal bounty. Granted by patent under the great seal for life.

*Rollo, Isabella and Mary*; ages 71 & 68.—£. 184.

Granted as royal bounty, in consequence of the circumstances of the parties. Their brother and father had both borne military commissions, and served in various parts of the world.

*Rothes, Countess dowager*; age 68.—£. 431.

Granted as royal bounty, in consequence of the circumstances of the party.

*Rothes, Earl of*; age 28.—£. 276.

Granted as royal bounty, in consequence of the circumstances of the party.

*Salvison, Sarah*; age 60.—£. 49.

A grant of royal bounty for the relief of extreme pecuniary distress, the party having been left a widow with two children under circumstances of absolute privation.

*Scott, Sir David*; age .—£. 449.

The Committee do not recommend that provision should be made for the re-grant of this pension.

*Semphill, Lady, and Semphill, Sarah*; ages & .—£. 198.

Granted as royal bounty, in consequence of the confined circumstances of the parties.

*Semphill, Janet Lady*; age 70.—£. 97.

Granted as royal bounty, in consequence of reduced circumstances.

*Shaw, Agnes*; age 94.—£. 49.

Granted as royal bounty.

*Sherwood, Susan*; age 33.—£. 15. *Rebecca*; age 28.—£. 15. *Ann*; age 26.—£. 15.—£. 45.

When Louis the Eighteenth was passing through Sittingbourne, in 1814, his carriage ran over and killed the father of these pensioners; the Prince Regent inquired into the case, and granted those compassionate allowances.

*Sidney, family of*.—£. 500.

The Committee consider that the re-grant of their pensions should be made for the life of Sir J. Sidney, of Penshurst.

*Sinclair, Lord*.—£. 184.

The Committee do not recommend that provision should be made for the re-grant of this pension.

*Smyth, Hon. G. A. F. Sidney*; age 20.—£. 104.

This grant is by patent under the great seal, for life. Lord Strangford, the father of the party,

party, who is a minor, has expressed his anticipation that Mr. Smyth will resign this pension after his majority.

*Stephenson, Jane*; age 63.—£. 100.

A grant of royal bounty to one of a family, many of whom had been servants of the Crown; all her brothers were in the service; her eldest brother, a major-general in the Army, who was drowned when on service and returning from his command abroad, and all his property was lost with him.

*Stoddart, Jane*; age 64.—£. 49. *Barbara*; age 57.—£. 49. *Ann*; age 50.—£. 49.—£. 147.

Daughters of a provost of Edinburgh, who had also served in the excise of Scotland for 28 years; granted in consideration of his services, and the circumstances of his daughters at his decease.

*Strangford, Viscount*; age 56.—£. 88. *Viscountess Dowager*.—£. 499.

This lady is dead, but £162*l.* of the pension was granted in reversion to her two daughters. This pension of Lord Strangford's is resigned.

*Strathmore, Countess of*; age 66.—£. 184.

Granted as an act of royal bounty, in consideration of the circumstances of the party. Lady Strathmore expresses her desire to resign this pension so soon as her circumstances will admit of her doing so.

*Stuart, Lady Louisa*; age .—£. 97.

From the absence from England of Sir J. Hay, who, it is stated, can give information on this subject, Your Committee have not been able to trace the origin of this grant, which appears to have been one of royal bounty. This is a case of the description adverted to in the Report, where a recommendation is given that provision should be made to enable Her Majesty's Government to regrant this pension, if, upon full consideration, it should appear to come within the principles laid down.

*Swinburn, Mary*; age 62.—£. 48.

Grant of royal bounty.

*Telfer, Jane and Cecilia*; ages 61 & 53.—£. 97.

This pension was granted in the year 1789, as a grant of royal bounty for the relief of distress, as your Committee are informed, but, at the distance of nearly 50 years, it has become difficult to obtain any more precise information.

*Trefusis, Barbara*; age 58.—£. 81.

This pension was granted as royal bounty, in consequence of the circumstances of the party.

*Van de Speigel*,

*Adolph W.*; age 58.—£. 68. *Maria Adriana*; age 37.—£. 68. }  
Sarah Hendrica; age 52.—£. 68. } £. 204.

Children of the late Mr. Van de Speigle, minister of state in Holland at the time of the French invasion. On the success of the French revolutionary army, Mr. Van de Speigle was thrown into prison, where he remained for five years. The British Government, in consideration of the misfortunes of one who had co-operated with them, offered him a pension of 2,000*l.*; this was declined, but on his death these pensions, as marks of royal bounty, were granted to his children.

*Vernon, Harriett*; age 77.—£. 88.

This pension was granted so long back as the year 1763; the party is now 77 years of age. The Committee have not been enabled to trace the origin of this pension at a period so remote, but they cannot recommend its discontinuance.

*Walker, Agnes*; age 73.—£. 9. *Janet*; age 62.—£. 9.—£. 18.

These small grants were made as royal bounty, in consideration of the circumstances of the parties.

*Warre, Sarah*; age .—£. 26.

Granted as royal bounty for the relief of distress.

*Willoughby, Harriet*; age 56.—£. 276.

This grant was made as a royal bounty on the special recommendation of the late Mr. Fox.

## PENSIONS GRANTED IN CONSIDERATION OF THE FORFEITURE OF ESTATES.

*Buchanan, Susan*; age 69.—£. 184.

Granted in consideration of the forfeiture of the family estates subsequent to the rebellion of 1745. Those estates were sold to the York building company previous to the general restoration of the confiscated estates. This party is the sole survivor.

*Dalzell, Henrietta, Helen, Agnes Brown and Elizabeth*; ages 60, 58, 57 & 56.—£. 184.

It is stated that a forfeited estate had been granted to Sir Robert Dalzell; but upon the reversal of the attainder, the forfeiture was resumed, and the above pensions granted in compensation.

*De Gaudrion, Maria*; age 47.—£ 100.

The property of the late Lady Fawcett, widow of the pensioner's grandfather, General Sir William Fawcett, in default of issue devolved to the Crown. This pension was granted to the party.

*Drummond, Rev. Charles Edward*; age 87.—£. 97.      Captain *George*; age 31.—£. 97.  
*Clementina*; age 42.—£. 49.

Lineal descendants of the Dukes of Melfort and Perth, whose blood was attainted after the Scotch rebellion; at the restoration of the confiscated estates, their property was not restored to them, having been sold. Captain George Drummond also suffered considerably by the French revolution; his family possessed property in France, which was destroyed in the troubles of those times; he applied to the commissioners of French claims, and also to the Privy Council for compensation, but a decision was pronounced adverse to his claim. The last pension the Committee have recommended to be in abeyance, and to take effect only in the case that Mrs. Davis, formerly Clementina Drummond, shall survive her husband.

*Drummond, Lady Amelia*; age 80.—£. 97.

Daughter of the last Duke of Melfort and Perth. The explanation of this pension has been already given.

*Erroll, Earl of*; age 37.—£. 276.    *Erroll, Dowager Countess of*; age 52.—£. 276.    *Hay, Lady Fanny*; age 19.—£. 97.

The grandfather of the present Lord Erroll was the son of Lord Kilmarnock, who was beheaded in 1746. In consequence of the events of 1715 and 1745, the forfeiture of the family estates took place; when other forfeited estates were restored to the heirs, Lord Erroll's had been sold to the York building company, and consequently was excluded from this act of grace and favour. In consequence of this circumstance these pensions were granted.

*Nairn, Lady*; age 72.—£. 184.

The estates of this family were forfeited in consequence of the Scotch rebellions.

#### MISCELLANEOUS PENSIONS.

*Anderson, Dame Caroline*; age 46.—£. 88.

Daughter-in-law of the late Mr. Anderson of Fermoy, Ireland, who rendered essential services by the introduction and extension of mail coach communication, thereby contributing to the increase of the Post-office revenue, and to the general improvement of the country; this pension is granted by letters patent under the great seal enrolled in Chancery, and for life.

*Annesley, Richarda*; age 62.—£. 88.    *Elizabeth*; age .—£. 88.—£. 176.

The father of these ladies was murdered in the rebellion of 1798.

*Ashworth*.

A pension of 2,000*l.* having been granted to Sir T. Robinson, K. B., and resigned, pensions to the same amount were granted by patent under the great seal, for life, to the children of Robert Ashworth, sen. in the following proportions:—

<i>Robert Ashworth, senior</i>	-	-	-	-	-	£. 1,200, deceased.
<i>Henrietta Ashworth</i> ; age 62	-	-	-	-	-	300, aged 62.
<i>Frederick Ashworth</i> ; age 54	-	-	-	-	-	300, aged 54.
<i>Charles Ashworth</i>	-	-	-	-	-	200, deceased.

The net sums now paid are 266*l.* to each, instead of 300*l.*

*Black, Jean*; age 48. *Mary Ann*; age 48.—£. 98.

Their father was twice lord provost of Glasgow, who promoted by his exertions and his example the raising of the Glasgow volunteers, in which corps he was an active officer; he was mainly instrumental in the erection of the gaol, public courts and offices. At the time when he was last lord provost, his commercial affairs became embarrassed and his health shortly afterwards failed; this pension was then granted to his orphans.

*Blaquiere, Lord de*; for the life of Lady Kirkwall.—£. 893.

This pension was granted to the late Lord de Blaquiere; the present Lord de Blaquiere is not entitled to receive any portion of it; it is granted by patent under the great seal for life, and the various assignments of the pension by settlement and otherwise give so full an explanation of the former system of which Irish pensions that it appears satisfactory to subjoin a special memorandum of the facts:—

STATEMENT respecting the net pension of 893*l.* per annum, charged upon the civil list of Ireland, in pursuance of a royal warrant dated the 1st of August 1831, in the first year of the reign of William the Fourth, and payable to John Baron de Blaquiere or those deriving under him.

By letters patent passed under the great seal of the kingdom of Ireland, and bearing date the 20th day of January 1803, there was granted unto John Baron de Blaquiere, his executors,

executors, administrators and assigns, an annuity of 1,000*l.* for and during the lives of Elenor Baroness de Blaquiere, and Anna Maria Blaquiere, then Viscountess Kirkwall, her daughter, and for the life of the survivor of them, to be placed upon the pension list of said kingdom.

Lord de Blaquiere, in order to secure an annuity of 400*l.* to his daughter, Viscountess Kirkwall, and his son-in-law, Viscount Kirkwall, provided they survived him, and Elenor Baroness de Blaquiere, his wife, did, in consideration of the love and affection which he had for his said daughter and son-in-law, and in fulfilment of a promise and engagement made to them previous to their marriage, and of 10*s.* in hand paid by indenture of 23d April 1803, assign, transfer, and make over said annuity to Lord Kilwarden and John Beresford, their executors, administrators and assigns, as trustees to carry into effect the intent of said indenture.

Said trustees or their representatives, and the said Baron de Blaquiere by indenture of the 6th March 1806, reciting as before recited, did, in consideration of the sum of 4,936*l.* to the said Baron de Blaquiere in hand paid by Henry Alexander, and of 10*s.* to said trustees, order, direct and appoint that said executors and the survivor of them, should pay unto the said Henry Alexander out of said annuity, during the continuance thereof, a sum of 600*l.* per annum, subject to a proportionable part of the fees of office.

By indenture of 24th June 1806, said Henry Alexander, in consideration of the sum of 5,205*l.* 9*s.*, did, with the concurrence of the trustees aforesaid, make over said 600*l.* per annum to Arthur Hume of the city of Dublin.

By further indenture of the 21st July 1806, Lord de Blaquiere, with the concurrence of said trustees, in consideration of the sum of 2,699*l.* 11*s.* 7*d.*, sold to Arthur Hume all the interest remaining in him under the above-recited deed of 23d April 1803, in said 400*l.* per annum, being the residue of said annuity of 1,000*l.* a year.

The entire annuity of 1,000*l.* a year, being as aforesaid vested in the trustees for the benefit of Arthur Hume, he the said Arthur Hume, by indenture of 23d July 1806, declared that he was trustee to and for the sole use and behoof of Peter Boyle Blaquiere.

By further indenture of the 2d December 1812, the said Arthur Hume and Peter Boyle Blaquiere, in consideration of the sum of 8,750*l.* paid to said Blaquiere, and 10*s.* to said Hume, they and each of them granted, assigned and made over, according to their several and respective rights, unto Peter Roe (the purchaser), his executors, administrators and assigns, said two yearly sums of 600*l.* and 400*l.*, making together the annual pension in question of 1,000*l.* and all the powers and remedies vested in their or either of them for securing and recovering the same.

Peter Roe daving died, administration was granted out of the proper court to Margaret Roe, who gave a power of attorney dated 19th July 1826, to Robert, Henry and George Roe to receive same.

(Certified.)  
Record Office, Custom-house Buildings,  
Dublin, 4 May 1838.

(signed) W. H. Hardinge.

**Brown, Sarah; age 33.—£ 43. James; age 36.—£ 43.—£ .86.**

In the year 1822, the brother of those parties, a physician at Galway, made himself useful by his exertions to check the typhus fever, which was then prevalent. He was physician to the fever hospital, but he exceeded his duties, visiting the poor, who could not obtain admission into the hospital, which was overflowing. He and his aunt, with whom he lived, both caught the infection, and died. A brother and sister were left unprovided for, and this pension was granted.

**Brown, Sir Thomas Henry; age 52.—£ .400.**

The Committee have given the utmost consideration to this case: the party being employed in the diplomatic service of the country was commanded by those who had a right to require his services to undertake a special duty; in consequence of that obedience to their authority, he sustained much of loss, personal inconvenience and suffering, and the Committee have felt it their duty to recommend that this pension should be continued.

**Burrows, Eliza; age 50.—£ .35.**

In 1798, the house of the Rev. E. Burrows, county of Wexford, was burnt to the ground by the rebels; he was himself murdered on the spot; his eldest son received wounds, of which he afterwards died. His widow and six children were turned out naked; and of those, Miss Eliza Burrows is the only survivor.

**Campbell, Catherine Elinor; age 48.—£ .66.**

This pension appears to have been granted, partly on account of civil, and partly on account of military service. Her mother's father was for more than 40 years collector of customs at Donaghadee, in which situation he died suddenly. Her uncle served in the American war, and died of a pulmonary complaint brought on by severe wounds.

**Clark, Elizabeth, Martin James and Harriet; ages .—£ .35.**

The father of these parties was registrar of the fever hospital, Cork-street, Dublin. Through his great zeal in attending to the management of that most useful charitable establishment, he caught a fever, of which he died. This pension was granted to his widow and children in consideration of his services. One of the grantees is since deceased.

*Clutterback, Jane, Eliza and Alicia*; ages 28, 23 & 21.—£. 28.

Sisters. Their father was a clerk in the public service of the treasury and the yeomanry departments for 20 years. He retired in consequence of bad health, receiving a superannuation of 166*l.* He lived within three miles of Limerick; his house was attacked at night, and though he repulsed the assailants, his death ensued in consequence of exertion and exposure to the weather. This small pension was granted in consequence. It is by patent under the great seal for life:

*Curtis, Elizabeth*; age 50.—£. 20.

Widow of a chief constable of police, who lost his health, and ultimately his life, in the performance of his duty.

*Daly, Richard*, Representatives of; ages 60, 52 & 45.—£. 88.

Mr. Richard Daly had a patent of the Theatre Royal, Dublin. On the loss of that exclusive right, his children received this pension in compensation. Of those children, two sons were in the Navy, and lost their lives in the public service. This pension is by patent under the great seal for life:

*Darell, Patty*; age .—£. 100.

Colonel Foubert, a French protestant, the ancestor of this pensioner, was invited to England by Charles the Second to establish a riding academy, and, it is stated, advanced considerable sums towards the building. An hereditary appointment of master of the academy, with emoluments, was established. In 1780, the office was abolished, and in consideration of such abolition, a pension of 500*l.* was granted to the mother of the present pensioner, on whose death the present reduced pension of 100*l.* was granted.

*Dick, Ann*; age 80.—£. 97.

Descendant of Sir William Dick, who in the time of Charles the First and the Commonwealth is stated to have advanced large sums to the government; this pension has been renewed on several occasions to his descendants.

*Dunmore, Janet Napier*; age .—£. 58.

This pension was granted for the services of her father as an active magistrate in the west of Scotland; he is also stated to have contributed usefully to the establishment of manufactures, the opening of roads, and the general improvement of the district; he suffered privations in consequence of the failure of certain mercantile establishments with which he was connected, leaving a family numerous and young.

*Fortescue, Jane*; age 60.—£. 266.

This pension is a grant by patent under the great seal, enrolled in Chancery for the life of the grantee; the life of her husband, now deceased, was formerly included in the grant; it is made a matter of family settlement.

*Gloag, Euphemia and Martha*; ages 62 & .—£. 58.

Daughters of Dr. William Gloag, one of the ministers of Edinburgh, and almoner for Scotland to George the Third.

*Going, Frances Ann*; age 66.—£. 47.

Widow of the Rev. John Going, who was murdered in the county of Tipperary in 1829; his widow and five children are stated to have been left with no other provision than a large arrear of tithe, which it was impossible to collect.

*Graham, Isabella, Mary Cathcart, Emily Georgiana, Margaret Catherine and Roberta*; ages 61, 45, 43, 39 & 37.—£. 276.

The father of these ladies died suddenly, after many severe misfortunes, leaving 18 children in narrow circumstances; of his sons, one who held a situation in India was assassinated in a rising of the natives; a second died in the Army after 26 years' service; a third died a captain in the Navy after 30 years' service.

*Hare, Louisa*; age 43.—£. 52.

Widow of the late Lieutenant Hare, who lost his life in defending himself against a party of insurgents who entered his house in search of arms. He left a widow and three children destitute.

*Hayter, Elizabeth and Sophia*; ages 70 & 50.—£. 101.

Niece and daughter of a late Bishop of London, preceptor to George the Third, by whose untimely death they were left unprovided for; both are advanced in life and infirm.

*Hume, Elizabeth Grace*; age 60.—£. 66.

Daughter of a gentleman who was killed in the Irish rebellion of 1798; the government at that period offered her a pension, but her circumstances at that time not requiring it, she declined the offer; those circumstances having subsequently changed, this pension was granted.

*Hume, Elizabeth*; age 31.—£. 200.

Daughter of Dr. Hume, a military physician, who had accompanied the Duke of Wellington on many of his campaigns; subsequently to 1822, when the Duke of Wellington proceeded to attend the Congress of Verona, his Majesty King George the Fourth wrote to Dr. Hume with his own hand on the subject of the health of the Duke of Wellington; and subsequently, in 1826, when the Duke proceeded to St. Petersburg, his Majesty personally commanded that Dr. Hume should accompany him, offering him a pension of 400*l.* for the service; at the request of Dr. Hume this pension was changed into a pension of 200*l.* for the life of his daughter.

*Hunter,*

*Hunter, Sir R.*; age —£. 288.

This pension is resigned.

*Hutchison, Eliza*; age 47.—£. 47.

Wife of Lieutenant Hutchison, harbour-master of Dunleary; this gentleman on many occasions volunteered to rescue the crews of shipwrecked vessels, and at great personal danger has been the means of saving human life; the pension was granted on the recommendation of the harbour commissioners, who suggested that some mark of royal favour should be conferred upon him.

*Jebb, Elizabeth*; age 40.—£. 32. *Mary*; age 60.—£. 32. } £. 192.  
*Ross*; age 42.—£. 66. *Margaret*; age 39.—£. 32. }

It is stated that these pensions were granted for services rendered to the British Government during the period of Lord North's administration; but it becomes difficult at this distance of time to trace the precise origin. The circumstances of the parties are such as to render the continuance of these pensions necessary. The father of these pensioners was a man of considerable talents and the author of several publications, which were much admired at the time. The parties are far advanced in life.

*Johnson, Sir William*; age —£. 715.

Ineffectual attempts have been made to procure from the grantee of this pension any account of the origin of the grant.

The pension was granted under the provisions of the Act of 1793, which authorized the commutation of pensions during pleasure antecedently granted into pensions for the lives of the parties.

This pension was originally granted to the late Sir Richard Johnson and William Johnson, his son, during pleasure.

On the 14th March 1794 this pension was determined, and a grant made by patent under the great seal to the same amount and to the same parties for life.

*Keating, Oliver*; age 29.—£. 43.

Son of a late dean of St. Patrick's, who had been chaplain to the Irish House of Commons to the period of the Union; but who, contrary to the usual practice, had received no clerical preferment or compensation for his services. This pension was granted on his death to his son, an officer in the 97th regiment, who is now suffering from impaired health. This pension is granted under the great seal by patent, and for life.

*Kent, Elizabeth*; age 51.—£35.

Widow of lieutenant Kent, who was barbarously murdered in Ireland.

*Knox, John*, Representative of; age 68.—£. 177.

Pension granted for life, by patent under the great seal. Mr. Knox, the original grantee, is now dead, and the pension is receivable by his widow during her life; it has been settled upon her as a jointure.

*Laffan, Sir John de Courcy*; age 50.—£. 192.

The case of this gentleman is stated in the following letter, addressed by him to the Chancellor of the Exchequer:—

Sir,

I HAVE been honoured with your letter of the 24th, and in compliance with your desire, I beg leave briefly to state, that I served in the Peninsular war as a physician to his Majesty's forces; that I received the thanks of his Royal Highness the late Duke of York for my services in establishing the Chatham Dépôt.

That in the year 1827, the Marquis of Anglesea was called upon by his Majesty George the Fourth to assume the government of Ireland.

That the Marquis had suffered for years under a painful complaint, which had been assuaged or relieved by the medical treatment I had adopted.

That on finding the Marquis unable to undertake the public duties of the station to which his Sovereign had called him, unless I accompanied him to Ireland as his physician, I was induced to break up my establishment in England, and abandon a professional emolument of some thousands a year, in order to attend the Lord-lieutenant to Ireland.

That having served his Majesty abroad, and having made considerable sacrifice for the public service, the present pension in question was granted to me.

I have the honour to be, Sir,

Your most obedient, humble servant,

(signed) *J. de Courcy Laffan.*

The Right honourable the Chancellor of the Exchequer,  
&c. &c. &c.

This pension is granted by patent for life, and under the great seal.

*Lapslie, Margaret Lockhart*; age 38.—£. 24. *Georgiana*; age 40.—£. 24.—£. 48.

Orphan daughters of the late Rev. Dr. Lapslie, who, during an incumbency of 42 years, in a large manufacturing parish, made himself useful in the preservation of the peace. His house was burnt. This pension had previously been enjoyed by the mother of these parties, now deceased, whose brother served in the Army, and perished by shipwreck off Sable Island. Her second brother was killed in a naval engagement, whilst midshipman. A third brother suffered much in the Walcheren expedition, and was severely wounded at the storming of San Sebastian.

*Loftus, Arthur*; age 50.—£. 43.

A lieutenant in the Navy of 25 years' standing, who has served in every climate till the termination of the war. This pension was granted in consideration of the disappointment of his father in not having received a Government living, which had been promised to him.

*Lynch, Maria*; age .—£. 132. *Jane*; age 42.—£. 48. *Maria*; age 24.—£. 35.—£. 215.

Maria Lynch, at present entitled to the pension of 132*l.* granted by patent under the great seal and for life, is the wife of the original grantee, Martin French Lynch, now deceased, to whom it had been intended to give the appointment of assistant-barrister; that intention was not carried into effect. The pensions for 35*l.* and 48*l.* are payable to his daughters by King's letter.

*M'Kenna, Theobald*; age 40.—£. 266.

The father of this gentleman was employed to conduct Government prosecutions under special commissions issued during the rebellion. This pension was granted for the joint lives of himself and his father, with a benefit of survivorship. It is a grant by patent under the great seal, and enrolled in Chancery.

*Mansfield, Dowager Countess of*; age 80.—£. 1,000 four-and-a-half per cent. duties.

Granted as a compensation for the resignation of the office of deputy-ranger of Richmond Park.

*Melville*,

*Mary Ann*; age 37.—£. 21. *Henry Crost*; age 35.—£. 21. } £. 63.  
Michael; age 33.—£. 21.

Children of a physician resident in Westmeath, whose habit it was to give gratuitous advice to the poor. During the prevalence of the typhus fever he caught the disease, and communicated it to his wife; both died within a week, leaving five infant children quite destitute. A small local subscription was raised for them, but this assistance proving inadequate, the above pensions were granted by the Irish government.

*Morris, Theodosia*; age 25.—£. 47.

Daughter of a magistrate stationed by the Irish government at Tullamore from 1803 to 1806. He was selected, after the murder of Lord Kilwarden, as a channel of confidential communication between the magistrates of the King's County, Queen's County, Westmeath and Longford, and the chief secretary of the lord-lieutenant. This pension was granted to his daughter.

*Murphy, Michael*; age 70.—£. 88.

An officer in the Cavan militia, who rendered services to the Government at the time of the rebellion, and is in possession of an original letter from the Irish government, promising that this pension should be continued for life.

*Murray, Ann Charlotte*; age .—£. 300. *Emily*; age 43.—£. 72.

Widow and daughter of the late Lord George Murray, whose services to the public in the introduction of telegraphs were productive of a very considerable saving of expenditure. For these services he received, in the year 1796, a special reward by order in council; and these pensions were subsequently granted to his widow and daughter. The following official memorandum refers to his services:—

"In 1796 Lord George Murray submitted to the Government a plan of communicating by telegraph, which was adopted, and lines were established under his lordship's superintendence, to the principal naval ports. As a reward for the adoption of his lordship's plan, and for his services in carrying the same into execution, he was presented with the sum of 2,000*l.* by the naval department, granted under an order in council."

*O'Reilly, Myles*; age .—£. 222.

This pension has been granted by letters patent under the great seal for life; the best information which Your Committee has been enabled to obtain upon the subject is contained in the following memorandum:—

STATEMENT respecting the net pension of £.222 per annum, re-granted and charged on the Consolidated Fund by Royal warrant of 17th September 1832, pursuant to Act 2d and 3d Will. 4, cap. 116, sec. 10, 11 and 12, and payable to Miles John O'Reilly, or those deriving under him.

In pursuance of Prince Regent's letter dated 4th May 1812, and lord-lieutenant's instructions of 13th July following, issued thereupon, letters patent passed the great seal of Ireland on the 27th of July in same year, granting unto Myles John O'Reilly, his executors, administrators and assigns, a pension of 250*l.* a year, on the civil list of said united kingdom for the life of Helena White, daughter of Thomas Jervas White, of the city of Dublin.

By indenture of 17th July 1824, to which said Myles John O'Reilly was a party, reciting, "that said pension was granted for the use and benefit of Francis Knox;" and further reciting, "that said Francis Knox, in consideration of the sum of 2,000*l.*, assigned pension to Frances Lynch, upon condition of re-assumption thereof after five years upon repayment of a like sum;" and further reciting, "that said Knox died, having devised all his right of re-purchase of said annuity to his nephew, the said Myles John O'Reilly, who

who required the said Frances Lynch to re-assign the same to Francis Jervas, clerk, of Moneymore in the county of Londonderry, upon being paid said sum of 2,000*l.* ;" said Frances Lynch, for the consideration aforesaid, and at the instance aforesaid, sold, assigned and made over said pension unto the said Francis Jervas, his executors, administrators and assigns.

Same is now payable to Henry Samuel Close & Co., bankers, by virtue of a power of attorney, dated 29th July 1826.

(Certified.)

(signed) *W. H. Harding.*

Record-office, Custom-house Buildings,  
Dublin, 16th May 1838.

*Orr, Martha*; age 84.—*£.49.* *Kennedy, Mary*; age 60.—*£.49.*—*£.98.*

These pensions are stated to be granted in consequence of services rendered by the late Mr. John Orr, father of these parties, who, in 1792 and 1793, was town-clerk of Glasgow.

*Ouslow, George Walton*; age 69.—*£.81.* *Arthur*; age 64.—*£.81.*

It is stated by the parties that the grant of this pension was connected with the exertions of his father, Colonel Ouslow, as a magistrate in the county of Surrey; and also for the resignation of certain emoluments in an office which he held under the land revenue. The Committee do not recommend that provision should be made for the re-grant of the second of these pensions.

*Pennefather, John*; age 79.—*£.26.* *William*; age .—*£.26.*—*£.52.*

These small pensions were granted in the year 1771, and the parties are now very far advanced in life,

*Price, Lucinda*; age 51.—*£.51.*

Widow of the Rev. William Price, who, in consideration of his piety and learning, was strongly recommended to the lord-lieutenant for preferment, by the unanimous voice of the city of Waterford. Lord Wellesley consequently gave him a living; but he died before he had received any portion even of his first year's tithes. His widow and children were surrounded with difficulties, in consequence of the great expense he had been put to for the patent, induction, &c.; whereupon the above pension was granted.

*Proctor, Agnes*; age 60.—*£.50.*

Widow of the late Rev. Mr. Proctor, who held a vicarage bordering on the forest of Dean; that district is extra-parochial. The leisure time of Mr. Proctor was devoted to the spiritual care of the foresters, and his exertions were attended with sacrifices both of property and of health. On his decease this pension was granted to his widow. The case of Mr. Proctor is explained in the accompanying letter:—

Sir,

2, Grove, Hackney, 30 Nov. 1837.

In reply to your letter, which I had the honour to receive last evening, I consider it a private communication, and hesitate not to give you the particulars. My late husband held the vicarage of Newland, bordering on the forest of Dean, which you are aware is extra-parochial. The miners and colliers, of which there were several thousands, he found in a state of utter ignorance, without any place of worship; neither would they go to those nearest the forest, knowing they had no claim. The Sunday was spent in amusements. Mr. Proctor, feeling for their destitute state, applied to Government for a grant of land to erect a place for worship and a school, under Mr. Percival's administration, and it was submitted to the law officers; but it was found it could not be done without an Act of the Legislature, and Mr. Percival advised an appeal to the public for subscriptions to erect a building, that the poor colliers and miners might have some instruction. This was effected, after some years of labour and expense, with the weight of a very large parish to take care of. The forest was his work of love, for they could give him nothing; and till he succeeded in getting a grant of land, which was at last effected, he met the people in cottages, anxious to be taught; and when the church and school were finished both were crowded. Besides the Sunday worship, he gave them a lecture in the week; and it was pleasing to see the poor colliers hastening from the coal-pits to be in time for the service. The distance being so far from Newland, Mr. Proctor was of course exposed to the rain, and snow and wind; and after coming out of a place greatly heated, from the numbers that attended, his health was injured, and he fell a victim to his constant exposure to heat and cold, and others are receiving the benefit of his labours. Mr. Proctor having sacrificed his property in the erection of the building, &c. in consideration of his great exertions to make the foresters of Dean good and loyal subjects, and the severe losses he sustained in building, and which is fully explained in a little pamphlet, which I would, if you wished, forward to you, the pension was granted to me, his widow, on the solicitation of the late Bishop of Litchfield and Coventry, who was at that time Bishop of Gloucester, with Lord Bexley and Lord Calthorpe, who knew what Mr. Proctor had done for the foresters, and were liberal subscribers. I fear to fatigue you by the length of detail, or I could say much more, which would interest and incline you to do your best that my pension may not be withdrawn. I cannot look forward to many years, being nearly 60, and much out of health. I leave it in your hands, trusting you will remember the widow.

I am, Sir,

Your obliged humble servant,

*Agnes Procter.*

*Ram*

*Ram, Elizabeth*; age 84.—£. 95.

Widow of Abel Ram, whose services, with those of his eldest son, in the rebellion of 1798, the destruction of their house and furniture by the rebels, the loss of two sons in the Navy, one of whom fell at Trafalgar, are the grounds of this pension.

*Rose, Mary*; age 80.—£. 97.

Eldest daughter of a gentleman who was killed by an unfortunate accident.

*Ridge, Catherine*; age 80.—£. 29.

Daughter of John Ridge, King's counsel and Crown lawyer during the Irish rebellion; in the performance of his duties he caught a gaol fever, of which he died, leaving three daughters unprovided for. Of three sons, one is dead, the second in the Army; having been shot through the body and lost an arm; the third was so severely wounded at the battle of Waterloo as to be rendered unfit for service.

*Ridge, Sarah*; age 72.—£. 29. *Ann*; age 70.—£. 29.

Sisters of Catherine Ridge.

*Russell, Eleanor*; age .—£. 52.

Widow of a physician resident at Murles, Ireland. In 1815, he caught the typhus fever from a police constable, an Englishman, whom he found almost deserted. Dr. Russell died of the disease, leaving a widow and three children destitute.

*St. George, Anna Maria*, and *Mary Jane*; ages 30 & 29.—£. 144.

Daughters of a gentleman who had held an office in the lord-lieutenant's household; upon his ceasing to hold this office this pension was granted to his daughters. This pension is granted by letters patent, under the great seal, for life.

*Shaw, Robert*, Representatives of.—£. 714.

Pensions to the amount of 2,250*l.* were originally purchased by Mr. Shaw; of those all have expired except 714*l.*, which remains, depending upon a life of 62; this pension has been granted by patent, under the great seal, and duly enrolled in Chancery.

*Simpson, Mary Ann*; age 66.—£. 39.

Daughter of the engraver to the Mint in Scotland, a tradesman at Edinburgh, well known 60 years ago as Convener Simpson; he left a small property to his children, which was spent in fitting out a son for India, who died within a year after his arrival there.

*Sneyd, Catherine Hannah*; age .—£. 266.

This pension so fully explains the system under which pensions were granted in Ireland, that it is considered expedient to insert the following memorandum, taken from the original record:—

By King's letter, bearing date 19th February 1781, reciting, "That by the advice of the Commissioners of the Treasury, an annuity, or yearly pension of 300*l.* a year, then payable on the civil list establishment, to James Knightly, during the pleasure of the Crown, was determined from 25th March 1781." There was granted to Edward Sneyd, esq. and Edward Storey, clerk, in trust for Catherine Hannah Sneyd on said establishment, a like annuity of 300*l.* per annum, to commence from the termination of said pension to Knightly, the same to continue during the pleasure of the Crown.

By indenture of assignment made the 23d of April 1791, between Edward Storey, clerk, the survivor of the above-mentioned trustees, of the one part, and Nathaniel Sneyd of the other part, said Storey, with the consent of the said Catherine Hannah Sneyd, in consideration of the sum of 1,500*l.* granted, assigned and made over said pension to the said Nathaniel Sneyd, his executors, administrators and assigns, for such time and term as the same should continue, pursuant to King's letter aforesaid.

By further indentures of assignment, dated 23d December 1794, reciting the circumstances before recited, the said Nathaniel Sneyd, in consideration of the sum of 1,500*l.* granted, assigned and made over unto William Sneyd, of the city of Dublin, esq., said yearly pension of 300*l.* for such term as same should continue payable, in pursuance of King's letter aforesaid.

This pension is paid to John Barry, by virtue of a power of attorney from Catherine Hannah Ogle, alias Sneyd, dated 13th October 1830 (see copy sent); but I have not been able to find the authority of transfer from William Sneyd to said Catherine H. Ogle, although I have made a diligent search for it.

(Certified.)

(signed)

*W. H. Hardinge.*

Record Office, Custom-house Buildings,

Dublin, 30 April 1838.

In this case the pension has frequently been made the subject of assignment, and is now held for a valuable consideration.

*Stack, Annabella*; age 47.—£. 37. *Annabella*; age 15.—£. 18. *Mary*; age 12.—£. 18.—£. 73.

A widow and two daughters of Dr. Stack, physician to Sir Patrick Dunn's hospital, Dublin. In 1826 and 1827, during the fever which raged in Dublin, wards were opened in the above hospital for the sick poor; Dr. Stack caught the infection, but after suffering severely, recovered. He returned too soon to his duty in the hospital, caught the fever a second time, and died. These pensions were granted to his family in consideration of the zeal and services of the deceased, and of their indigent and forlorn state.

*Stanhope, Anna Maria* and *Charles Russell*; ages & .—£. 95.

Wife and son of Sir Francis Stanhope, whose father was for seven years commander of the forces in Ireland. This grant is stated to have been made as compensation for the loss of a situation at the castle; it is by patent under the great seal for life.

*Stewart,*

*Stewart, Frances*; age 72.—£. 88.

This pension stood upon the Irish list; the party being very far advanced in life, videlicet, at the age of 72, and in great infirmity; the Committee have not been able to trace to their entire satisfaction the origin of the grant. It is held under a peculiar patent, granted for life, but during the pleasure of the Crown.

*Warren, Mary*; age 76.—£. 88. *Ann*; age 68.—£. 43.—£. 131.

Daughters of a member of the corporation of Dublin, an alderman and lord mayor. These pensions were granted so long back as the year 1787. From the advanced age of the parties, and the absence of one of them from England, it has been difficult to trace the original ground of the grant.

*Williams, Mary*; age 75.—£. 40.

When the French landed in Pembrokeshire in 1797, they plundered this woman's house, took away her property, and shot her through the left leg.

*Wilson, Christian*; age 63.—£. 43.

Widow of the Rev. John Wilson, chaplain on board the Brunswick, afterwards curate of Arglass, where he served as captain of yeomanry for many years; he was likewise a magistrate of the county. On his death this pension was granted to his widow.

*Wiseman, Harriet*; age 48.—£. 100.

Niece of the late Colonel Wiseman, and a connexion of the late Admiral Nagle. This pension was granted on the recommendation of his late Royal Highness the Duke of York.

*Wraxall, Dame Jane*; age 67.—£. 311.

Widow of the late Sir William Wraxall. It is stated that the activity of Sir William Wraxall in sending out to India an account of the cessation of hostilities in 1783 which account was received several weeks before the official despatches had arrived, prevented much effusion of blood, and was one of the considerations for the grant of this pension.

*Wright, Phillis*; age 57.—£. 30.

Her late husband was severely wounded in the Manchester riots; this pension was granted to his widow.

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*Fitzroy, Lady Mary*.—£. 200.

From the absence of the parties from England, the information respecting this case is incomplete.

*M'Donough, Harriet*; age .—£. 100.

Residing in the United States. From her absence, no information has been as yet received. This case is referred to in the Report.

*M'Gowan, Ann*; age .—£. 155.

Residing in North America. This case is similarly circumstanced.

*Stuart, Lady Louisa*.—£. 97.

From the absence of the party who can give information on this subject, this case is similarly circumstanced.

[*An Alphabetical Index will be printed, and delivered hereafter.*]

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## A P P E N D I X.

Sir,

National Debt Office, 21 July 1838.

In obedience to your commands, as signified to me verbally by Mr. Stephen Spring Rice, I have investigated the Pension List with a view to show its probable amount in each of the next 20 years.

It appears, from documents supplied from Mr. Spearman, that the whole amount of the existing pensions are as follows:—

On the Civil List	- - - - -	£. 66,379
On the Consolidated Fund	- - - - -	57,264
On the 4½ per cent. Duties	- - - - -	15,784
	TOTAL - - - - -	£. 139,427

But on the latter list there is an income in perpetuity, which being incapable of diminution falls to be deducted, viz. - - - - - 676

NET AMOUNT - - - - -	£. 138,751
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I have been furnished with the ages of 866 persons in the receipt of pensions, amounting to 117,966 £., which is exactly 85 per cent. of the whole. There can therefore be no hesitation in assuming that the unknown ages as to the remaining 15 per cent. are just the same as those which are known.

In 828 cases the date of the grant has been ascertained, and therefore the age of each pensioner, at his or her admission, has been found. Casting up those ages, and comparing the average with the average age of the parties at the present time, it is found that the difference is 23 years.

The correct method of determining the common age, which is equivalent to all the existing ages, is to value each pension on the basis of interest, at 4 per cent., and dividing the total value by the whole amount of pensions, we find the mean value, and this indicates a particular age. Thus it has turned out that if all the pensions enjoyed by the male sex were now in possession of a set of males, every one of them aged 55; and if all the pensions enjoyed by the female sex were in possession of a set of females, every one of them aged 59, the value of such a supposed set of pensions would be just the same as the actual value. Deducting from those ages 23 years, it follows that the pension has hitherto been conferred on the male sex at the age of 32, and on the females at the age of 36, one with another.

Not a few of the pensions are for two, three or more lives in succession, the valuation of which exactly would have been very tedious. The value of such pensions is of course greater than if they were equally divided among the respective parties. But on the other hand, it is certain that the females have understated their ages very considerably, and sometimes with a contempt of all probability. Thus more than one lady has set down her age at 39, forgetting that she has been 45 years in receipt of the pension, and this from an aversion to own the age of 40. Notwithstanding the increased value of the pensions on successive lives therefore, which increase I have omitted, it is very evident that in valuing the female pensions, according to the ages which it has been their pleasure to state, I have much more than compensated for the omission.

The whole pension, as far as ages are known, which is in possession of males, is	- - - - -	£. 30,317
And enjoyed by females	- - - - -	87,649
	TOTAL - - - - -	£. 117,966

Thus out of every 1,000 £. payable, 257 £. is paid to males, and 743 £. is paid to females.

Then the total value of the above is found to be—

To the males	- - - - -	£. 333,702 4 -
To the females	- - - - -	1,013,506 - -

The average value is of the male pension - - - - - 11.0071 years' purchase.  
And of the female - - - - - 11.5632 years' purchase.

Now the value of an annuity to a male aged 55, is - - - - - 11.03915  
And to a female aged 59, is - - - - - 11.5778

Hence

## SELECT COMMITTEE ON PENSIONS.

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Hence it is evident that the whole Pension List will be—

	AMOUNT.	VALUE.
To the males - - -	£. 35,659	£. 392,502
To the females - - -	<u>103,092</u>	<u>1,192,073</u>
<b>TOTAL - - -</b>	<b>£. 138,751</b>	<b>worth £. 1,584,575</b>

It is not likely, regard being had to the resolutions of Parliament, that pensions will hereafter be granted at such young ages as heretofore. But assuming, nevertheless, that out of the 1,200 *l.* per annum, which the Crown has the faculty of granting, 400 *l.* will be granted every year to males aged 32, and 800 *l.* to females aged 36, the funds necessary to provide such pensions *for ever* will be a perpetual annuity of 19,871 *l.*, which is the interest of a capital of 496,781 *l.*; consequently the saving which must needs result from the new arrangement, as compared with keeping the present list constantly at the same amount, is at this moment worth 1,087,794 *l.* in ready money, being the difference between the actual present value of the existing pensions, and the present value of the faculty of granting 1,200 *l.* a year for ever on the new footing. The magnitude of the Pension List will, moreover, stand as follows at a *maximum*.

IN THE MONTH OF JUNE	EXISTING PENSIONS AS LAST YEAR.	NEW AND INCREASING PENSION LIST.	TOTAL OF BOTH LISTS.	PROGRESSIVE DIMINUTION.
	£. s.	£. s.	£. s.	£. s.
1838 - - -	138,751 -	1,200 -	139,951 -	—
1839 - - -	136,019 4	2,387 12	138,406 16	1,544 4
1840 - - -	133,176 14	3,562 16	136,739 10	3,211 10
1841 - - -	130,242 14	4,725 6	134,968 -	4,983 -
1842 - - -	127,203 12	5,874 18	133,078 10	6,872 10
1843 - - -	124,037 2	7,011 14	131,048 16	8,902 4
1844 - - -	120,726 8	8,135 6	128,861 14	11,089 6
1845 - - -	117,243 2	9,245 18	126,489 -	13,462 -
1846 - - -	113,555 14	10,343 10	123,899 4	16,051 16
1847 - - -	109,670 8	11,428 -	121,098 8	18,852 12
1848 - - -	105,610 6	12,499 10	118,109 16	21,841 4
1849 - - -	101,385 18	13,568 4	114,944 2	25,006 18
1850 - - -	96,996 18	14,603 2	111,600 -	28,351 -
1851 - - -	92,408 -	15,634 16	108,042 16	31,908 4
1852 - - -	87,585 18	16,653 12	104,239 10	35,711 10
1853 - - -	82,502 6	17,659 10	100,161 16	39,789 4
1854 - - -	77,166 8	18,652 10	95,818 18	44,132 2
1855 - - -	71,646 8	19,632 4	91,278 12	48,672 8
1856 - - -	66,082 12	20,598 8	86,681 -	53,270 -
1857 - - -	60,530 6	21,550 8	82,080 14	57,870 6
1858 - - -	55,014 4	22,488 -	77,502 4	62,448 16

The foregoing results are obtained by classing the pensions now payable, in order to their valuation, according to the age and sex of the parties who receive them; of which classing the following is an abridgment:

AGES.	MALES.	FEMALES.
	£.	£.
86 and upwards -	114	1,617
Above 80 and under 86 -	312	3,147
,, 75     ,, 81 -	1,161	6,742
,, 70     ,, 76 -	3,407	9,419
,, 65     ,, 71 -	5,502	13,429
,, 60     ,, 66 -	3,332	10,846
,, 55     ,, 61 -	4,471	12,817
,, 50     ,, 56 -	2,983	11,369
,, 45     ,, 51 -	3,545	10,184
,, 40     ,, 46 -	2,709	6,594
,, 35     ,, 41 -	2,370	5,709
,, 30     ,, 36 -	1,479	4,707
,, 25     ,, 31 -	1,681	3,559
,, 20     ,, 26 -	2,204	1,127
,, 15     ,, 21 -	334	784
Under 16 -	55	1,042
<b>TOTAL - - - £.</b>	<b>35,659</b>	<b>103,092</b>

## APPENDIX TO REPORT FROM

As the parties on the present Pension List have long ago attained their maximum age collectively, inasmuch as the older lives which fall off have been annually replaced by another set of younger lives, it follows, that if the amount payable were constantly kept up to 138,751 £., the value of such a total pension would never vary from 1,584,575 £.

In like manner, if the Pension List were kept constantly full to the extent only of 75,000 £., as was proposed in the last reign, its value in capital would never vary from a proportionate sum; viz. - £.856,521

Whereas the present value of all the pensions which to the end of time can be granted under the new arrangement being only as before stated - 496,781

The difference is a further saving of - £.359,740

Thus far the reasoning rests on the truth of the ages of those who are now on the Pension List, in so far as those ages have been returned. But there is another view which may be taken of this subject from a different class of facts, which leads to a different conclusion.

Mr. Spearman has informed me, that after an examination of a large portion of the Pension List, the decrease thereof by deaths during the last three years has actually been as follows:—

Amount payable on 1 January 1835.		Decrease thereof by Death, up to January 1838.	
MALES.	FEMALES.	MALES.	FEMALES.
£.13,614	£.24,390	£.757	£.2,871
10,449	19,971	1,697	3,663
4,415	22,345	699	3,032
<b>TOTAL - - -</b>	<b>£.28,478</b>	<b>66,706</b>	<b>9,566</b>
Deduct the Decrease -	3,153	9,566	
<b>Remaining in force -</b>	<b>£.25,325</b>	<b>57,140</b>	
Thus the decrease on each sex is in the same proportion as from £.100,000 to - - -	£.89,021	85,659	

Now, there is no common age at which such a decrement could take place but 63 on the side of the male and 71 on the side of the female, instead of 55 and 59 respectively, as was to be inferred from the actual valuation of the pensions, according to the ages which the holders represented themselves to be. We have seen that the parties had been, one with another, 23 years on the list, whence it results that the average age at which the pension was conferred becomes 40 to the male and 48 to the female.

Considering the restrictions which are now laid on the future grant of pensions, it may be thought by many that they will be conferred on the respective sexes in the inverse order of that which has heretofore happened, and that out of every 1,200 £. there will fall 800 £. to the share of males and 400 £. to the females.

Now, if the ages thus inferred from the actual pensions which have fallen in during the last three years be true of the whole list, it follows that the faculty of granting pensions *for ever* to the extent of 1,200 £. per annum can be exercised at an expense of 17,716 £. 14s. yearly, the value of which is a present capital of 442,917 £.

And

And it also follows that the old Pension List will decrease, and the future List will increase, and both together stand as follows in each of the next 20 years:

IN THE MONTH OF JUNE	EXISTING PENSIONS AS LAST YEAR.	NEW AND INCREASING PENSION LIST.	TOTAL OF BOTH LISTS.	PROGRESSIVE DIMINUTION.
	£.	£.	£.	£.
1838 - -	138,751	1,200	139,951	—
1839 - -	132,632	2,384	135,016	4,935
1840 - -	126,278	3,553	129,831	10,120
1841 - -	119,604	4,706	124,310	15,641
1842 - -	112,556	5,844	118,400	21,551
1843 - -	105,153	6,967	112,120	27,831
1844 - -	97,540	8,077	105,617	34,334
1845 - -	89,798	9,171	98,969	40,982
1846 - -	81,993	10,252	92,245	47,706
1847 - -	74,195	11,317	85,512	54,439
1848 - -	66,550	12,367	78,917	61,034
1849 - -	59,258	13,398	72,656	67,295
1850 - -	52,476	14,412	66,888	73,063
1851 - -	46,361	15,405	61,766	78,185
1852 - -	40,859	16,378	57,237	82,714
1853 - -	35,772	17,328	53,100	86,851
1854 - -	30,792	18,255	49,047	90,904
1855 - -	25,782	19,159	44,941	95,010
1856 - -	20,869	20,037	40,906	99,045
1857 - -	16,651	20,890	37,541	102,410
1858 - -	13,161	21,716	34,877	104,874

I have the honour to be,

Sir,

Your most faithful Servant,

*John Finlaison,*

Actuary of the National Debt and  
Government Calculator.

To the Right Honourable  
the Chancellor of the Exchequer.



# R E P O R T

FROM

SELECT COMMITTEE

ON

**COPYHOLDS ENFRANCHISEMENT;**

*WITH THE*

MINUTES OF EVIDENCE,

AND APPENDIX.

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*Ordered, by The House of Commons, to be Printed,  
13 August 1838.*

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*Veneris, 9° die Martii, 1838.*

Copyholds Enfranchisement Bill;—Copyholds Improvement Bill;—Manorial Boundaries Bill;—Read Second Time; and committed to a Select Committee.

*Lunæ, 12° die Martii, 1838.*

*Ordered,* THAT the Committee do consist of Twenty-one Members:  
And a Committee is nominated of—

Sir Robert Peel.	Mr. Duckworth.
Mr. Goulburn.	Mr. Strutt.
Sir Edward Knatchbull.	Mr. Aglionby.
Sir James Graham.	Mr. Shaw Lefevre.
Sir William Follett.	Mr. Ayshford Sanford.
Mr. Yorke.	Mr. William John Blake.
Mr. Darby.	Lord Viscount Eastnor.
Mr. Freshfield.	Mr. William Miles.
Mr. James Stewart (Honiton).	Mr. Wrightson.
Mr. Hayter.	Sir John Campbell.
Mr. Lynch.	

*Ordered,* THAT the said Committee have Power to send for Persons, Papers and Records.

*Ordered,* THAT Five be the Quorum of the said Committee.

*Veneris, 27° die Julii, 1838.*

*Ordered,* THAT a Select Committee be appointed to consider of the Enfranchisement of Copyholds, and to report their Opinion thereon to The House.

And a Committee is appointed of—

Mr. Attorney-General.	Mr. Lynch.
Sir Robert Peel.	Mr. Duckworth.
Mr. Goulburn.	Mr. Strutt.
Sir Edward Knatchbull.	Mr. Aglionby.
Sir James Graham.	Mr. Shaw Lefevre.
Sir William Follett.	Mr. Ayshford Sanford.
Mr. Yorke.	Mr. William John Blake.
Mr. Darby.	Lord Viscount Eastnor.
Mr. Freshfield.	Mr. William Miles.
Mr. James Stewart (Honiton).	Mr. Wrightson.
Mr. Hayter.	

*Ordered,* THAT the said Committee have Power to send for Persons, Papers and Records.

*Ordered,* THAT Five be the Quorum of the said Committee.

*Lunæ, 13° die Augusti, 1838.*

*Ordered,* THAT the Committee have Power to report their Observations to The House, together with the Minutes of the Evidence taken before them.

*Lunæ, 6° die Augusti, 1838.*

SIR J. CAMPBELL in the Chair.

Mr. Stewart.	Mr. Freshfield.
Mr. Blamire.	Mr. Duckworth.
Mr. Aglionby.	

Mr. Blamire, called, and examined; withdrew.

The Evidence given by Mr. Blamire before the Committee on the Copyholds Enfranchisement Bills, is ordered to be printed in Appendix.

Rev. Mr. Jones, called, and examined; withdrew.

The Evidence given by Mr. Jones before the Committee on Enfranchisement Bill, is ordered to be printed in Appendix.

A Paper, containing a Plan of Arbitration, by Mr. Freshfield, to be inserted in Appendix.

Report considered and agreed to.

Chairman to Report.

## R E P O R T.

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THE SELECT COMMITTEE appointed to consider of the ENFRANCHISEMENT of COPYHOLDS, and to report their Opinion thereon to The House; and who were empowered to report the MINUTES of EVIDENCE taken before them:—HAVE considered the Matters referred to them; and have agreed upon the following REPORT:—

YOUR COMMITTEE find that, under the existing law, the power to enfranchise Copyholds very generally exists. It is usually either incident to the estate of the lord, or it is given to him by the deed or will under which his lands are settled. The disposition, however, to enfranchise is by no means equally extensive with the power: this arises in many cases from ignorance of the just rights of the parties, in others from a desire to preserve undisturbed manorial privileges and authorities; but in the great majority of cases from the want of a tribunal in which both parties have confidence to adjust their respective rights.

Your Committee regret that any impediment should exist in the way of this Enfranchisement. From a very early period, complaints have been made against Copyholds, and regret has frequently been expressed that they were not included in the great alteration which was made in the law of tenures in the reign of Charles the Second. Very shortly after this change took place, Roger North, in his Life of Lord Keeper Guildford, Vol. I. p. 36, says: “Small tene-ments and pieces of land that have been men’s inheritances for divers generations, to say nothing of the fines, are devoured by fees; so that if it were only to relieve the poorest of the landowners of the nation from such extortions and oppressions, without more, there is reason enough to abolish the tenure. It was somewhat unequal when the Parliament took away the royal tenures *in capite*, that the lesser tenures of the gentry were left exposed to as grievous abuses as the former.” Your Committee are satisfied that this tenure is ill adapted to the wants of the present day, and is a blot on the juridical system of the country. They consider that the peculiarities and incidents of Copyholds (which have their origin in the villenage of the feudal system) are at once highly inconvenient to the owners of the land, and prejudicial to the general interests of the State. By the nature of the copyholder’s tenure independent of custom, some of the most valuable productions of the soil are distributed between the lord and the copy-holder, so as to be of little value to either. Thus the lord cannot cut the timber growing on the land without the consent of the tenant, nor can the tenant cut it without the license of the lord: the lord cannot open and work a mine under the soil without the consent of the tenant, nor can the tenant open and work it without the license of the lord. It is not surprising that under these circumstances the mine remains unworked, and the timber has disappeared from the face of the land. Where also the fine payable to the lord is arbitrary, it operates as a

## REPORT FROM SELECT COMMITTEE

tax upon the capital of the tenant, and is a direct check to all building and all agricultural and other improvements. In this cursory mention of the disadvantages of Copyholds, and as more peculiarly affecting this tenure, heriots must not be forgotten, as perhaps the most grievous and unjust. But Your Committee are most desirous of pointing out, that so long as Copyholds shall exist, two distinct species of tenure will prevail, mixed up very generally with each other, and causing much needless expense and difficulty, both in the investigation of title, and in the enjoyment and alienation of real property.

Under these circumstances, Your Committee have come to the conclusion, that the abolition of this tenure would not only be a great public benefit, but should be made if possible a national object. They are also of opinion, that no plan which merely leaves the option to the parties to enfranchise, will meet the exigency of the case, and they are, therefore, desirous of seeing a plan of enfranchisement introduced, which shall have a due regard to the rights as well of the lord as the copyholder, but which shall be eventually compulsory on both. A plan having this object was submitted to Your Committee, which will be found in the Appendix; but Your Committee entertained a strong opinion adverse to the system of arbitration suggested in the paper alluded to. It has, however, appeared to them, that the Tithe Commission, which has been recently established by Act of Parliament, might be rendered available, as affording a tribunal well qualified to deal with this important subject. The Tithe Commissioners have for some time pursued an inquiry of an analogous nature, and have at their disposal a machinery adapted for adjusting the rights of all parties interested in Copyholds. Your Committee are, therefore, happy to state, that, the Tithe Commissioners having been applied to, have intimated an opinion that they could undertake this duty advantageously; and Your Committee beg to refer to their Evidence on this subject, which they deem highly satisfactory.

In conclusion, therefore, Your Committee look forward with confidence to the speedy and entire abolition of this tenure, as a means of greatly simplifying and improving the law relating to real property. They earnestly desire that measures may be speedily taken to accomplish this object, with reference as well to lands of customary as of copyhold tenure; it appears to them, that the best mode of effecting it would be, by giving every facility to enfranchisement for a short term of years, and that after that period the enfranchisement should proceed on the compulsory principle; and they recommend that a Bill having this object should be introduced in the next Session of Parliament.

13 August 1838.

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## M I N U T E S   O F   E V I D E N C E.

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*Lunæ, 6<sup>o</sup> die Augusti, 1838.*

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MEMBERS PRESENT:

Mr. James Stewart.  
Mr. Freshfield.

Mr. Duckworth.  
Mr. Aglionby.

SIR JOHN CAMPBELL, IN THE CHAIR.

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*William Blamire, Esq., called in; and Examined.*

1. *Chairman.]* I BELIEVE, Mr. Blamire, you were examined before the Committee on the Copyholds Enfranchisement Bills?—I had that honour. *W. Blamire, Esq.*  
6 August 1838.
2. Do you adhere to the evidence you then gave?—I do.

[The Witness withdrew.

[*For this Evidence, vide Appendix, p. 6.*]

*Rev. Mr. Jones, called in; and Examined.*

3. *Chairman.]* YOU were examined before the Committee on the Copyholds Enfranchisement Bill?—I was. *Rev. Mr. Jones.*
4. You continue of the same opinions you then gave?—I do.

[The Witness withdrew.

[*For this Evidence, vide Appendix, p. 8.*]

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## APPENDIX.

*Veneris, 23° die Martii, 1838.*

## MEMBERS PRESENT :

Mr. James Stewart.  
Mr. Freshfield.  
Mr. Hayter.

Mr. Wrightson.  
Sir Robert Peel, Bart.

SIR JOHN CAMPBELL, IN THE CHAIR.

*William Blamire, Esq., called in ; and Examined.*

Appendix.  
W. Blamire, Esq.  
23 March 1838.

1. *Chairman.]* I will read this resolution ; "That it is the opinion of this Committee that encouragement and facilities should be given for effecting, by a voluntary agreement of the parties interested, the enfranchisement of lands held by copyhold and customary tenure, and for the commutation of heriots. That such encouragement and facilities should continue only for a time to be limited. That the attempt to effect such voluntary agreement should be made under the superintendence of the Commissioners for Tithe Commutation, if it shall appear that they are enabled to undertake this duty consistently with the due performance of their present duties. That it is expedient that provision should be made by the Legislature for carrying into effect, in the event of the failure of voluntary agreements, a compulsory arrangement for the enfranchisement of copyholds and commutation of heriots on such a basis as may appear, according to the circumstances of each case, most equitable, so far as regards the interests of all parties affected ; such compulsory settlement to take place immediately after the expiration of the period granted for the purpose of making a voluntary agreement." You are one of the Tithe Commutation Commissioners, I believe ?—I have the honour to be so.

2. I believe you are at the head of that board ?—I am.

3. You have heard this resolution of the Committee read ?—I have.

4. Allow me to ask you, if you are of opinion that you and the other Tithe Commissioners would be enabled to undertake the duties mentioned in this resolution, consistently with the due performance of your present labours ?—I can have no hesitation in stating that we should be enabled to undertake the duties required to carry into effect the resolution I have just heard read, by a general superintendence, and without neglecting the interests of the commission on which we are at present engaged, provided an additional number of assistants and the means required are allowed to us. I believe I shall best explain this by stating that at present the Tithe Commissioners take upon themselves the whole of the correspondence, and draft all letters, leaving the secretary at liberty to settle drafts of agreements, to examine agreements and other legal instruments, devoting nearly the whole of his time to the legal business of the office, whilst the Commissioners take upon themselves the onus of the correspondence ; from a considerable part of that correspondence they might be relieved, without prejudice to the interest of the commission ; to enable them, however, to undertake the additional labour contemplated, one or two extra secretaries, a few superior clerks and several ordinary clerks, would be required ; but assuming the requisite strength to be granted, I can see no difficulty at all in the Commissioners undertaking and adequately discharging the duties proposed.

5. If you were relieved from a part of those duties which you now perform, and which you believe might be satisfactorily discharged by secretaries and clerks, do you think you could efficiently superintend those new duties with respect to the enfranchisement of copyholds and commutations of heriots ?—I should have no doubt of our being able to do so.

6. Now

6. Now would these new duties respecting the enfranchisement of copyholds and the commutation of heriots go on, and be discharged simultaneously with your present duties with respect to the commutation of tithes, without interfering with the performance of your duties in the commutation of tithes?—No doubt the duties under the two commissions may be efficiently discharged simultaneously, for no confusion need arise in the office from the deposit of documents, provided the correspondence and records of the two commissions are separately registered, and the means of doing so adequately supplied; and the Assistant-commissioners, whilst engaged in the country in the discharge of their duties under the Tithe Act, might, with very little additional cost of time or travelling, obtain the information requisite for fixing the value on the enfranchisement of lands or the commutation of heriots; it would appear to me that this part of the work might be advantageously and economically executed by means of the ordinary assistant tithe commissioners, and that too without material or injurious interference with their present work.

7. Do you see any objection to the enfranchisement of copyholds, and the commutation of heriots, both voluntarily and compulsorily, going on under the superintendence of the Tithe Commissioners?—No objection has as yet occurred to me, and I am not disposed to think any will occur; but my attention was only called to the subject two days ago.

8. Have you at this present time any notion of the probable length of time that will be required before the commutation of tithe is rendered complete?—No, indeed I have not; it is difficult to form an opinion upon that matter. To settle all the agreements, that is, to fix the gross amount of rent-charge, may, I should think, be effected in five or six years from this time; but I do not believe that all the apportionments can be completed in that time; this is, however, but a very vague speculation; we are going on now at the rate of 1,800 agreements in the year, receiving about 150 in the course of each month. I conceive, if we continue to move on steadily at that rate, we may complete the whole within the time I have named; this must, however, be received as a mere conjecture; when we come to enforce compulsory commutation, we may find more time required than at present any one can calculate upon. Much must, of course, depend on the force allowed and number of assistants. We, undoubtedly, can settle the agreements in much less time with a large than with a limited force; but the apportionments cannot be completed within the same time, from the want of practical men, fit and proper to be entrusted with that most important and difficult part of the work of commutation, in whom the country would be disposed to place confidence.

9. You are well acquainted with the subject of copyholds and heriots?—I am connected with a part of the country where there are a great many, and I am necessarily well acquainted with them.

10. Do you see any objection to this proposed plan; first, of having voluntary enfranchisement, and then of compulsory enfranchisement and commutation?—No; indeed I see no objection in the proposed arrangement, but on the contrary, think that it will be hailed as one of the greatest and most important boons which the Legislature could confer upon the country; however, it is impossible not to foresee that the measure must be surrounded with considerable difficulties in the working it out in detail, which will, of course, require much consideration on the part of the Committee; but as to the principle of the measure there can be no question or doubt; and I am sure it will be hailed as a mighty boon, and received with the greatest satisfaction in all those parts of the country with which I am familiar.

11. Do you think it is possible to lay down any principle in which the enfranchisement of copyholds, or the commutation of heriots could take place, at all analogous with that upon which the commutation of tithe now proceeds?—It would appear to me to be impossible to lay down any fixed and general rule capable of universal application, without working much injustice; for the rights of the lord and the tenant vary so much, according to the customs of different manors, that I see no mode of fixing on a general rule that would fairly meet the necessities of all cases; much latitude must be given, and a discretionary power vested somewhere, in making certain cases bend to any fixed rules.

12. Mr. Stewart.] I should like to know how many tithe Assistant-commissioners have been appointed?—Ten permanently.

8 APPENDIX TO REPORT FROM SELEC. COMMITTEE

Appendix.  
W. Blamire, Esq.  
23 March 1838.

13. And I believe you have the power to appoint 12?—We have; and further, the Lords of the Treasury have lately given us the power to employ local agents for the purpose of reporting whether or not agreements have been made without fraud or collusion, and whether or not they ought to be confirmed; and the rate of payment being fixed for such reports (viz. at 5*l.* 5*s.*), we feel at liberty to proportion the number of such local agents to the extent and pressure of the work to be performed; and further, the Lords of the Treasury have very recently given us permission to employ barristers for the purpose of settling references as to disputed parish boundaries, or as to suits and differences touching the right to any tithes, and to appoint them as Assistant-commissioners, specially for the particular reference for which they have been selected (the Act not recognizing the settlement of such matters but by the means of Assistant-commissioners), and as the rate of payment for Assistant-commissioners is fixed by the Act, and has reference alone to the time occupied in the work, the number of gentlemen so appointed would appear to be immaterial.

14. Have you that power given by the Treasury to make the appointment of the barristers you speak of under the Tithe Commutation Act, or under any other Act?—Yes, under the Tithe Act.

15. Under the powers given to the Government in that Act?—No doubt.

16. Who are the persons that you generally appoint Assistant-commissioners, and under what circumstances?—Our object in making application to the Treasury to sanction the appointment of professional gentlemen was with the view of obtaining an expansive machinery, calculated for the existing pressure of business, without being an expensive one, or at any rate as little expensive as possible, for there are provincial barristers, revising barristers, recorders of towns and other persons, whose professional duties place them at or call them into particular localities, and who would undertake references in such localities for the remuneration of an ordinary Assistant-commissioner, thereby saving to the commission much expense in travelling, whilst such gentlemen could not be expected to act and give up their general practice permanently, for the moderate fees of an ordinary Assistant-commissioner; in all appointments we may make, it will be our duty to secure the services of gentlemen of respectable legal attainments, and who are fitted to grapple with the difficulties of the cases referred to them.

17. Do the barristers so appointed consider questions of law?—No doubt they do; we found that our ordinary Assistant-commissioners were not fitted to grapple with any difficult and nice questions of law, and that in consequence it was necessary to apply for permission to have the assistance of barristers in the way I have stated; in the settlement of boundary cases an ordinary Assistant-commissioner may not be the most fit man to decide as to the admission or exclusion of facts or documents tendered as evidence.

18. Do you allow an Assistant-commissioner to proceed to a certain extent, and then hand it over to a barrister?—No; having ascertained the particular nature of the reference, we select the most fit and proper person within our reach, willing to give us the benefit of his services, at the rate of remuneration allowed; if the reference involved questions of value, we should, of course, appoint an ordinary Assistant-commissioner as the best judge of such value; and such references are frequently made to us in determining the amount of rent-charge; if called upon to settle any matter touching the right to any tithes, legal rights, or for the purpose of determining parish boundaries, where the evidence was likely to be conflicting and intricate, we should employ a professional gentleman, as being alone fitted to grapple efficiently with such difficulties.

19. Have you a machinery adapted for inquiries into questions of law, and also questions of value?—We have at present a machinery well adapted for these two separate objects.

Rev. Richard Jones, called in; and Examined.

Rev. R. Jones.

20. *Chairman.*] YOU have heard Mr. Blamire examined; do you concur in the opinion he has given?—Yes, I do, upon the whole; but there was one question asked of which I thought Mr. Blamire hardly caught the whole scope; it was this, whether any of the rules and principles of proceeding under the Act

Act for the commutation of tithe could be applied in the enfranchisement of copyholds; my own experience of copyholds is confined to the south of England, but I should say, from that experience, that some principles and modes of proceeding might be adopted in their enfranchisement analogous to those established for the voluntary commutation of tithe; I see no objection to calling together courts baron and customary courts to report, in the first instance, on the customs of each manor; the lord and a certain proportion of the copyholders might then agree on the principle on which the various incidents and rights should be valued, such as the number of years' purchase to be given for fines, and the like, and then, the principles being agreed on, the parties might proceed by valuers appointed by themselves to ascertain the sum to be paid by each individual tenant; and if they did not so proceed, we by our assistants in a certain time might; this would be adopting that part of what is called the voluntary operation of the Tithe Bill, which enables a portion of the parties interested, first to compel the rest, and then to follow out their own arrangements.

21. Do you suppose the establishing any uniform principle on which valuations should take place would answer?—The customs and incidents being ascertained, which differ in all manors, the parties might agree to give a certain number of years' purchase for those ascertained incidents, but, after that, every particular copyhold, and perhaps every individual life, must have its value ascertained; if that part of the process eventually comes to us, we have machinery for it; in apportioning tithe, we are daily getting indirectly at the annual value of copyholds finable at will.

22. Would it be possible to introduce into the Bill a clause analogous to that which in the Tithe Bill limits the valuations by the average receipts of the last seven years?—I think not; you might enable each manor to do something like it for itself, by allowing the lord and a certain majority to bind the rest.

23. Must not each agreement between the lord and the copyholder be guided by the value of the individual life for which the lands are held?—You might get rid of any practical difficulty from that by tables of the probability of life; assuming a certain value to the lord if the copyhold were vacant, you might make a deduction for the value of existing lives, as determined by tables.

24. Mr. *Freshfield*.] You would not decide uniformly what a heriot was worth; in some cases it may be found to have been usual to take 5*l.*, in others 10*l.*?—I should say you should come to some uniform principle of valuation, for, if you did not, you would be deciding on permanent value according to the easiness or harshness of the last steward.

25. Sir *Robert Peel*.] Might you not make an offer to each of the parties, to the copyholders on the one side, and to the lord on the other, each to appoint an arbitrator, the Tithe Commissioner being the umpire?—Clearly so; or it might be better to allow them, if they chose, to apply to the Tithe Commissioner at once; in Prussia, a similar operation is going on on a very extensive scale, and they have had all the advantage of the experience of one complete failure; they began by fixing a uniform and very heavy rent-charge on the lands held by the boors or serfs, without any regard to the difference of their prescriptive rights; this plan would not work; I understood from Von Raumer, who was my informant, that their new arrangements, without, I think, absolutely compelling the parties to proceed at any time (though I am not sure of this), allows either to call on certain public officers, appointed by the state, to determine the value of their respective rights, and then either party may enforce a final arrangement on the basis of that valuation.

26. Might it not be better to combine the two plans, and give parties an option either of leaving the valuation of their rights to arbitrators appointed by themselves, or of applying at once to the Tithe Commissioners?—I think a union of the two plans might work better than either separately.

27. Mr. *Wrightson*.] Is the value of manorial rights on the increase?—Not that I know of, except so far as the value of land has generally increased. I am not aware that there has been more squeezing on the part of the lords lately.

28. If you get at the receipts of the manors for a given number of years, do you think you should find them now less or greater than they were?—There is

10 APPENDIX TO REPORT FROM SELECT COMMITTEE

Appendix.  
Rev. R. Jones.  
23 March 1838.

one reason why they should be less; the average duration of life has much increased, and therefore the receipts from fines, &c., on deaths, must be less frequent.

29. Then, more than justice would be done to the lords, if they got the average receipts of the last 50 years?—Yes; so far as those receipts were affected by the average duration of life.

30. *Chairman.*] Is the commutation you spoke of now going on in Prussia; are they ascertaining the rights of both lords and serfs?—Yes, of both; they are getting rid of the personal degradation of the serfs, and giving them at the same time permanent interests in the lands they cultivate. They have to inquire into the mutual rights of the parties on every particular estate, because the prescriptive rights of the serfs have advanced on different estates to very different stages. They began by making the great mistake of attempting to apply one common principle to all. They have now adopted a plan, somewhat like that suggested by Sir Robert Peel, by which they are enabled to deal with the varied rights of different parties. The rest of their arrangements relate to methods of enabling the serf to complete his purchase from his lord. The task is not easy, because the serfs are very poor, and their prescriptive rights, which are far less complete than those of the English copyholder, leave the lord a much greater interest in the land. I believe the varied plans adopted, for enabling them to purchase, to be very ingenious.

31. Is this scheme now going on prosperously?—Very; remarkably so, I am told; Von Raumer is still my authority. I have a few other observations to make: my friend and colleague, Mr. Blamire, has stated that he thinks our board can undertake the superintendence of the enfranchisement, and that the operation will not be very expensive. Now, before I pledge myself to the carrying it out cheaply, I should like to know more accurately what is expected from us. The customs of every manor in England must be ascertained, as a preliminary step; are we to do this, and by Assistant-commissioners, who are to be barristers? because, if we are, that cannot be done without a considerable expenditure. I do not know what the plans of the Committee may be. They may mean, while the enfranchisement is purely voluntary, to call on the various manors to report their customs. If this can be done to our hands, and we interfere only in the case of disputes, our expenses will be less; if we are to ascertain the customs ourselves, the expense must be considerable.

32. Are not the customs in all cases to be found on the court rolls?—Yes; but if we are to examine the court rolls of every manor in England, in order to certify the customs, by an Assistant-commissioner who is a barrister, that must be an expensive operation; and I wish to guard myself now against being supposed to promise to do it for a small sum; perhaps persons might be appointed by the parties themselves to certify their customs at their own expense, giving an appeal to us.

33. *Mr. Stewart.*] Independently of the expense, do you see any difficulty in sending an Assistant-commissioner?—None at all.

34. And you would have no further objection to it than the expense?—Not at all; I am only pointing to the subject of expense now that it may be considered, and I may not be reproached about it hereafter.

35. *Sir Robert Peel.*] We assume that the Commissioners are to be hereafter a tribunal to decide and award, but that compulsion is not to take place for two or three years; do you not think that, in the course of the period for effecting voluntary agreements, very important information would be procured, and that it would be better to postpone a decision as to the principles which should govern the compulsory awards till you got that information?—Clearly that course would give some facilities, but when the rights of parties are ascertained and disabilities removed, I do not anticipate much difficulty in managing equitable terms; my father managed from 20 to 30 manors, and I always understood from him, that, when parties were able and willing to enfranchise, it was easy to adjust fair terms.

36. *Mr. Blake.*] You were speaking of not laying down any one general principle as applicable to all manors, but do you not think that there are some points as to which general principles might be laid down in the Act, such as the number of years' purchase to be given for fines?—You might do that, but, after you had done it, the present value of a fine in any particular instance would depend

depend partly on the value of lives in existence, and you must assist in practice your principle by the use of tables.

37. *Chairman.*] Do you think voluntary enfranchisement would proceed to any great extent if there was not a prospect of compulsory enfranchisement?—I do not; and more than that, I do not think that even with the prospect of compulsory enfranchisement you would make much way unless you adopted some plan of enfranchising voluntarily by whole manors. Considering the poverty, the ignorance and the timidity of numerous bodies of copyholders, I doubt if, individually, they would be very ready to commute; example and instruction might act on them in masses.

38. *Mr. Stewart.*] The experience that you and the Assistant-commissioners have acquired would be all available in these new inquiries?—No apportionment can take place under the Tithe Act without the collection of a great deal of information which would bear on the operation of enfranchisement.

39. Have you not already had considerable experience?—We have. The value of tithe has no direct connexion with the value of land; but we do acquire a considerable knowledge of the rental of land in the course of our tithe inquiries. There is one other observation which I wish to make. With my friend and colleague, Mr. Blamire, I am of opinion that our board could superintend this operation. I think, too, that our Assistant-commissioners and out-door agents might do much of the necessary work while employed on tithe business; but our staff at the office, for the two purposes, must be kept quite distinct, or both operations will suffer. Further, we can personally only superintend; we can lay down rules and adjudicate on difficult cases, or classes of cases, as they arise; but we cannot ourselves, with justice to our other avocations, conduct the routine work and the ordinary correspondence. For these purposes we must have really efficient assistance in the person of a secretary, who is a man of talent and business, and who will devote his talents and time exclusively to our use. Such persons are not to be obtained under ordinary circumstances, unless they are adequately paid. Now, our secretary to the Tithe Commission is very inadequately paid, but is still intent to give us his aid and all his time. We cannot rely on a second instance of this kind; and, when I am asked if I am willing to encounter the additional responsibility which the entering on this new task would cast on me, I think it right to say, explicitly, that without the means of procuring the aid of a person of this description, I do not think it would be prudent in our commission to undertake the work.

#### PLAN SUBMITTED TO THE COMMITTEE, by Mr. Freshfield.

THAT after the 31st December 1843, it shall be competent to the holders of three-fourths, by measure, of the land within a manor, and having interests therein for term of life or for not less than 50 years unexpired, or other greater estate, to give notice in writing to the owner or owners of the said manors, of their desire to have the tenures and customs in the said manors extinguished. A duplicate of such notice to be also filed with the Clerk of the Peace for the county or division in which the manor is situated, and to be published once in three successive months in the London Gazette, and once at least in each local newspaper circulated in the county.

After the expiration of three months from the service of such notice, a practising land surveyor, to be appointed as a Commissioner by the persons desirous of obtaining the enfranchisement, and notice thereof given to the owner of the manor, who is to name a surveyor as a Commissioner on his part, within 14 days; and the two so named to appoint an umpire.

All notices required to be given to owners of manors may be served on stewards.

If thought necessary, other means of giving publicity to the intended measure in the particular manor may be provided.

The Commissioners so named to be notified to the Clerk of the Peace for the county or division in which the manor is situate.

Within two months after names so filed, the Commissioners to proceed to execute the purposes of the Act, so far as may relate to the particular manor, unless in the mean time the Lord Chief Justice of the Court of Common Pleas, at Westminster, shall disapprove of all or any of the said nominations, and shall substitute any other persons or person, by appointment, under his hand, to be filed, before the expiration of the said two calendar months, with the said Clerk of the Peace; which appointment it shall be lawful for the said Chief Justice to make, if he shall see fit.

Chief Justice to appoint, in default of the parties, one or both Commissioners, as the case may require.

## 12 APPENDIX TO REPORT FROM SELECT COMMITTEE, &c.

### Appendix.

Plan submitted to  
the Committee.

In case of Commissioners' death, resignation, become incapable or neglect to act for three months, power to parties to appoint new Commissioners in the same way as original Commissioners appointed.

Vacancy as to umpire, under similar circumstances, to be filled up by the two Commissioners.

Chief Justice's power of appointment or substitution, to apply to these cases.

All appointments to be filed with Clerk of the Peace, &c.

No person interested to act as Commissioner or umpire.

Commissioners to take an account of lands, with the dates of last admissions and of fines, quit-rents, heriots or other rights of the lord affecting the same.

After hearing any evidence offered on behalf of the respective parties, and making a survey of the lands and buildings, so far as they may be able, then to prepare a schedule of the prices of enfranchisement of the several lands included therein.

Commissioners to exhibit a copy of such schedule at such places and times as they shall think proper, and give notice thereof, by proclamation, and other means of publication, as the custom shall have been to give notice of Courts Baron or customary Courts.

Commissioners to cause written notices to be delivered to each holder of land named in the said schedule, or to his or her representative, agent or lessee, of so much of said schedule as shall appear to relate to the estate of such holder; and also a requisition to inform the Commissioners, at a place to be named, and at a time not exceeding two months, whether the party is satisfied with the valuation, or to state the grounds of dissatisfaction, and to inform Commissioners whether such party desires to pay the price of enfranchisement forthwith, or to pay an annual rent in lieu thereof, or to satisfy the price of enfranchisement by any other means hereinbefore provided.

In case of tenants for life, the payment, whether in a gross sum or as rent or otherwise, after deducting the pecuniary value thereout, the pecuniary value of any event to which the interest of the tenant for life may be subject is to be a charge upon the land, to be repaid with interest by the party entitled after the expiration of that estate.

Provision to be made for successive life estates.

Commissioners to make their award six months after exhibition of schedule.

Award to be filed with Clerk of the Peace, and notice thereof given by proclamation.

Persons dissatisfied may bring an action to try their rights.

Action must be commenced within three months after filing award.

Plaintiff to deposit 200*l.* as security for the costs; the whole to be returned if plaintiff obtains a verdict.

Action not to abate by death.

Commissioners may correct errors with consent.

Commissioners to take into account the circumstances of each tenement.

Annual compensation may be recovered by distress or action.

Principal money due to tenant for life of a manor, to be paid into the Bank of England, to be invested, and the dividend or annual income paid to tenant for life.

Costs of proceedings to be paid by the holders of land.

Costs to be a landlord's tax.

Statement of costs to be made out by Commissioners, and submitted to three magistrates, to be approved by them before any proceedings for recovery.

Validity of award not to be questioned for informality, unless party injured by such informality.

Extinction of tenures not to defeat any vote or settlement.

Court Rolls to be preserved.

All rights over the waste to remain to the holders of land, as if tenure had not been extinguished.

The lord's right to minerals to be reserved upon the usual terms of paying all damage in searching for and raising minerals.

Jurisdiction to be given to the Court of Chancery to determine, upon petition, any decision or apportionment to be made of the price or consideration to be received for enfranchisement between parties having interests in the manor, and also to adjust and settle questions between persons having personal interests in the lands enfranchised, and between those persons or any or either of them and others having reversionary or other rights therein.

After 31 December 1844, if no proceeding in progress for enfranchising all the copyhold lands of a manor, any holder of one or more tenements may claim and obtain an enfranchisement of the customs affecting his individual estate, by the same means as if he had been joined by the proportion of holders hereinbefore mentioned, so far as the same are applicable to an individual case; but in such case the whole expense to be borne by such holder of land, and such holder to forfeit to the lord all claim to the use of the roads, or any part thereof.

In case the lord of a manor and the holders of one-half in measure of the lands within such manor shall be desirous of a general enfranchisement of the lands, it shall be competent to them to proceed at any time after the 31st December 1838, and to effect the same by all or such of the means hereinbefore provided in the case of a compulsory enfranchisement.



R E P O R T

FROM

SELECT COMMITTEE

ON

COPYHOLDS ENFRANCHISEMENT;

WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

*Ordered, by The House of Commons to be Printed,*

*13 August 1856.*

# R E P O R T

FROM THE

## SELECT COMMITTEE

ON

**EDINBURGH AND LEITH AGREEMENT;**

*WITH*

**A N APPENDIX.**

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*Ordered, by The House of Commons, to be Printed,*  
12 June 1838.

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*Lunæ, 14° die Maii, 1838.*

**Ordered,** THAT a Select Committee be appointed to consider the Terms of an Agreement proposed to be entered into between the City of Edinburgh, the Creditors, and the Port of Leith, laid before The House on the 11th instant, and to report to The House whether it is expedient to sanction the same by any Legislative Enactment.

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*Martis, 15° die Maii, 1838.*

A Committee was nominated of,—

Mr. Chancellor of the Exchequer. Sir James Graham. Sir George Clerk. Mr. Labouchere. Mr. Goulburn. Mr. Robert Steuart. Sir Thomas Fremantle. Mr. Warburton.	Sir William Rae. Mr. Hawkins. Mr. Hope Johnstone. Mr. Hume. Sir Edward Thomas Troubridge. Sir Robert Price. Mr. Gibson Craig.
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**Ordered,** THAT the Committee have power to send for Persons, Papers, and Records.

**Ordered,** THAT Five be the Quorum of the Committee.

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## R E P O R T.

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THE SELECT COMMITTEE appointed to consider the Terms of an AGREEMENT proposed to be entered into between the City of *Edinburgh*, the Creditors, and the Port of *Leith*, laid before The House on the 11th May, and to report to The House whether it is expedient to sanction the same by any Legislative Enactment, and to whom the Paper relating to the Edinburgh and Leith Agreement presented the 11th of May was referred;—HAVE examined the Matters to them referred, and have agreed to the following REPORT:

THAT, in the opinion of this Committee, it is expedient that the Terms of the Agreement on the affairs of Leith and Edinburgh, which has been referred to their consideration, should be carried into effect by an Act of Parliament; and that the Interest payable upon the Government Debt upon the Leith Property ought to be postponed for that purpose; but that no part of the Government Debt should be abandoned.

12 June 1838.

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PROCEEDINGS OF THE COMMITTEE.

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*Lunæ, 28° die Maii, 1838.*

MR. LABOUCHERE in the Chair.

Mr. Chancellor of the Exchequer.  
Sir George Clerk.  
Mr. Gibson Craig.  
Sir James Graham.

Mr. Hawkins.  
Sir W. Rae.  
Mr. Robert Steuart.  
Mr. Warburton.

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*Lunæ, 11° die Junii, 1838.*

MR. LABOUCHERE in the Chair.

Mr. Gibson Craig.  
Mr. Hawkins.

Mr. Robert Steuart.  
Mr. Warburton.

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*Martis, 12° die Junii, 1838.*

MR. LABOUCHERE in the Chair.

Sir George Clerk.  
Mr. Gibson Craig.  
Sir James Graham.

Mr. Hawkins.  
Mr. Robert Steuart.  
Mr. Warburton.

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## A P P E N D I X.

### LIST OF APPENDIX.

No. 1.—Letter from Messrs. Spottiswoode and Robertson to R. Steuart, Esq., M.P., transmitting Copy of the Agreement entered into for the complete arrangement of all matters between the City of Edinburgh and its Creditors	p. 5
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### Appendix, No. 1.

**LETTER** from Messrs. *Spottiswoode* and *Robertson* to *R. Steuart, Esq. M.P.*, transmitting Copy of the Agreement entered into for the complete arrangement of all matters between the City of *Edinburgh* and its Creditors.

Appendix, No. 1.

Letter from Messrs.  
Spottiswoode and  
Robertson to  
R. Steuart, Esq.  
M. P.

Sir,  
For the information of the Lords Commissioners of Her Majesty's Treasury, we have the honour to transmit a copy of the agreement entered into upon the 9th instant, for the complete arrangement of all matters between the city of Edinburgh and its creditors.

This agreement has been made by Sir William Rae, Bart., on behalf of the creditors, by Mr. Duncan M'Laren, on behalf of the corporation of the city, and by Mr. Robert Philip, on behalf of the town and harbour of Leith, all of them having full powers from their respective constituents.

Robert Steuart, Esq. M. P.  
Treasury Chambers.

27, Great George-street, 11 May 1838.  
We have, &c.  
(signed) *Spottiswoode & Robertson.*

**TERMS of the ARRANGEMENT** between the City of *Edinburgh* and its Creditors, the Town and Harbour of *Leith*, and the Government, as proposed, discussed, modified and finally agreed to by the three Deputies appointed to arrange the matter in dispute; viz. by Sir *William Rae*, Bart., on behalf of the Creditors of the City, Mr. *D. M'Laren*, on behalf of the Corporation of *Edinburgh*, and Mr. *Robert Philip*, on behalf of the Town and Harbour of *Leith*, to form the basis of Legislative Measures to be carried through during the present Session of Parliament, and which are submitted to the Chancellor of the Exchequer, with an earnest request that the sanction of the Government may be given, on account of the great public advantages which would ensue from all these measures being carried into full effect:

Terms of  
Arrangement.

1. THAT the whole debts due by the city, as on the 1st June 1833, including those charged on the ale duty, shall be compounded by payment to the creditors (other than the life annuitants) of a perpetual annuity of 3 per centum, free of all deductions, and redeemable only on payment to the holder of 100*l.* sterling for every 3*l.* of annuity.
2. That the life annuitants shall receive during their lives three-fourths of the annuities due to them, in terms of an arrangement made between them and the trustees for the creditors.
3. That these annuities shall be paid half-yearly, and shall be constituted by bonds, to the transference of which the greatest facilities shall be afforded.
4. That the city shall grant a valid preferable security for those annuities of the whole property, of whatever description, now belonging to the city, with the following exceptions:
  1. The common good of the city and liberties; but this to form the security of an annual payment to the creditors of 1,000*l.*
  2. The assessment of one per cent. in lieu of the impost on wines.
  3. The fees payable on the entry of burgesses and guild brethren.
  4. The petty port customs of Edinburgh, which, to remove all doubts on the subject, are to be declared by the Act to have fallen.
5. The city, after granting this security, shall do nothing by which the subjects of it may be dilapidated, or their value materially diminished.
6. In the event of the foresaid annuities not being duly paid, the creditors shall have power, on three months' notice, to take possession of the whole subjects in the security, (with the exception of the common good, in regard to the security over which a special provision shall be made), and the said subjects shall be completely surrendered to the creditors, to be disposed of by them in such manner as they may deem best, without any liability to account to the city thereon; provided always, that the Royal Exchange-buildings, the Meadows, Bruntsfield Links, Calton Hill, and Prince's-street Gardens, shall be retained by the city, at a value to be fixed by Sir William Rae and Mr. Solicitor-general Rutherford, and in the event of their differing, by an oversman to be appointed by them, it being always understood that the gaols and high-schools are subjects on which no valuation shall in that event be put.

That

## Appendix, No. 1.

Terms of  
Arrangement.

That in the event of the subjects forming the security to the creditors being made over to them, and of the trustees of the Middle District having then made good a claim against the city on account of the repairs of the streets, such claim shall form a burthen upon the revenue reserved from the security for behoof of the city, estimated at 4,500*l.*, in so far as the free revenues made over to the creditors (after deduction of all preferable burthens and expenses), shall not amount to 8,500*l.*, including the sum of 480*l.* payable from the merk per ton, and exclusive of the sum of 2,500*l.* to be derived from the Leith revenues.

The nature of the original agreement, regarding the interests of the city and creditors in the revenues of the port of Leith will be seen from the printed copy of the entire proposals of the agreement sent with this; but that agreement has subsequently been modified, for the reasons stated in Mr. M'Laren's "Explanatory Remarks," a copy of which is likewise sent with this; and the following propositions have now been adopted, in lieu of the original articles, in reference to the revenues of the port of Leith:

1. To give the creditors 2,500*l.* from the Leith revenues in lieu of all claim which they have thereon.

2. To provide that 2,000*l.* per annum shall be made payable in lieu of the merk per ton to be abolished, and that the sum of 480*l.* presently payable from the merk shall form a burthen on the other revenues of Leith, and be preferably secured in the same manner as the sum of 2,500*l.*

3. To provide that the debt due to the college, of 13,119*l.*, shall be extinguished, as recommended in the Reports of Mr. Labouchere and the Select Committee, and that the annual payments chargeable thereon, together with the other claims for the support of the university and public schools, shall form a burthen on the sum of 2,500*l.* proposed to be given for educational purposes out of the revenues of Leith.

4. To provide that the bonds be free from stamp duties, and transferable by indorsation, in terms of the Reports above referred to.

5. That the common good or market dues, customs, and imposts, of whatever description, leivable within the boundaries of the municipal burgh of Leith, together with the gaol buildings, shall be made over to the magistrates and town council of Leith, they being bound, in consideration thereof, to relieve the trustees of the Middle District of the obligation incumbent upon them, under the terms of the Act 5 & 6 of Will. 4, c. 68, to uphold and maintain certain roads and streets within the town of Leith, which it was formerly incumbent upon the lord provost, magistrates, and council of Edinburgh to keep up and support, and to free and relieve the said lord provost, magistrates, and council of Edinburgh of all claim of relief competent to the said trustees against them thereanent, under the provisions of the said Act; and further, that the said town council of Leith shall free and relieve the said lord provost, magistrates, and council of the city of Edinburgh, from all claims on account of the municipal government of Leith; declaring that the obligations incumbent upon the commissioners of the docks and harbour, or on those presently in, or who may hereafter be vested with the administration of the revenues thereof in regard to the streets of Leith, shall not be lessened or affected by anything herein contained.

6. That power be given to the town council of Leith to purchase the superiority of Leith, and that at such price as shall be fixed by two arbiters, to be mutually chosen by the lord provost, magistrates, and council of Edinburgh, with concurrence of the committee of creditors, and provost, magistrates, and council of Leith, or in case of difference of opinion, by an oversman to be chosen by such arbiters.

7. That the Links of Leith shall be made over to the town council of Leith for behoof of the community of that burgh, for an annual payment to the lord provost, magistrates, and council of Edinburgh, of 25*l.* sterling, being the amount of the present annual rent thereof; the town council of Leith to have the power to purchase up this annual payment at the rate of 25 years' purchase, at any period; the Links to be preserved as an open area in all time coming for the use of the inhabitants; the price of this, and of the subjects authorized to be sold, to be applied in extinction of the transferable bonds.

8. That the town council of Edinburgh shall, within one year from the passing of the Act to be obtained for the settlement of these affairs, be bound to pay from their current revenues to the town council of Leith the sum of 500*l.* in lieu of all claims on account of the common good of Leith heretofore drawn by the city of Edinburgh, and which payment shall be held to be a full discharge of all such claims on the part of the town council and community of Leith.

9. For the accomplishment of the foregoing public objects, and also for the purpose of improving the public harbour of Leith, and rendering it fit for the accommodation of the trade, it is humbly submitted that the propositions contained in the Reports of the Select Committee, and of Mr. Labouchere, to abolish or limit the amount of the debt due to the Government should be adopted, and that an independent commission should be created, invested with sufficient power for the improvement and proper management of the port.

(signed)      Wm. Rae.  
                  D. M'Laren.  
                  Rob. Philip.

London, 9 May 1838.

## SELECT COMMITTEE ON EDINBURGH AND LEITH AGREEMENT. 7

**EXPLANATORY REMARKS** regarding the Proposals for a Settlement of the Affairs of the Corporation and Creditors of the City of *Edinburgh*, and of the Port of *Leith*; founded on the Report of the Select Committee of the House of Commons of 1836; as arranged, on the part of the City, by Her Majesty's Solicitor-general for *Scotland*, and on the part of the Creditors of the City by Sir *William Rae*, Bart., and which, with certain modifications subsequently effected with their concurrence, have been approved of by the Town Councils of *Edinburgh* and *Leith*, the Aggregate Committees of the Public Bodies of *Leith*, the Trustees for the Creditors of the City, and so far as can be ascertained, by the whole Inhabitants of *Edinburgh* and *Leith*.

Appendix, No. 1.

Explanatory  
Remarks.

BEFORE entering into the details of the present arrangement, it will be proper to refer to the steps which were formerly taken, to bring about a settlement of the very complicated affairs of Edinburgh and Leith.

In 1835 a Select Committee of the House of Commons was appointed to examine and report on these affairs, more especially with reference to the Port of Leith. On the 6th July of that year, this Committee reported that "upon a careful consideration of the whole of this complicated question, your Committee have come to the conclusion that they are justified in recommending to Parliament to abandon or suspend, either wholly or in part, the debt now due to the Government from the corporation of Edinburgh, provided that adequate public objects can be accomplished by this remission."

The Committee defined what they meant by "adequate public objects" as follows:—

"The points of the greatest importance to secure, appear to your Committee to be, (1) to limit the claims of the creditors of the city of Edinburgh, and to effect a composition of their amount upon fair and equitable terms: (2) to dis sever the connexion which at present exists between Leith and the corporation of Edinburgh, on conditions that shall be just towards that body; and (3) to vest the property and management of the port in commissioners, under suitable regulations, which should provide for its maintenance, and for any improvement of it, which upon mature consideration might be deemed practicable and expedient; (4) to reduce, equalize, and simplify the dues of Leith; and (5) especially to relieve its trade from payment of the "merk per ton," upon adequate compensation being secured to those who are now entitled to it."

In January 1836, the Right honourable H. Labouchere, Vice-President of the Board of Trade, visited Edinburgh and Leith, in compliance with the wishes of Lord Melbourne, and the Chancellor of the Exchequer, as expressed in their letter to him of 25th September 1835, on the subject of the financial affairs of the city, in order to put himself "in personal communication with all the parties who were principally interested in the questions at issue, or from whom he could hope to obtain information and assistance in forming a correct judgment upon them." After carefully considering all the questions in dispute, Mr. Labouchere submitted to the Chancellor of the Exchequer an outline of a plan for "effecting, by just and practical means, the various objects which are recommended by the Select Committee of the House of Commons, by whom the subject was investigated during the last Session of Parliament."

The outline of Mr. Labouchere's plan was as follows:—

I. "His Majesty's Government to give up one-half of the debt now due on account of the docks at Leith, amounting to 236,741*l.*, and to postpone the remainder, without any interest being allowed to accumulate thereon."

II. The creditors of the city to receive transferable bonds for three-fourths of their debts, bearing interest at three per cent.; any deficiency of revenue to be made good by an assessment on the inhabitants.

III. The harbour and docks of Leith to be vested in a small commission, to be independent of both the town councils of Edinburgh and Leith, having power to borrow "125,000*l.* for the purpose of improving the harbour and docks, and affording additional accommodation for steam-packets and vessels of larger tonnage," and with power to "abolish, reduce, and consolidate the dues now exigible on goods and shipping."

IV. The corporation of Edinburgh to receive from the commissioners for the management of the harbour and docks an annual payment of 6,000*l.*, free of any deduction whatsoever.

V. The ministers of Edinburgh to receive 2,000*l.* of the above sum in lieu of the "merk per ton" to be abolished; 2,500*l.* to be paid on account of the college of Edinburgh and the public schools, and the remaining sum of 1,500*l.* to be applied in aid of the ordinary revenues of the city.

VI. The college and schools being secured in the above sum of 2,500*l.*, per annum, (of which Mr. Labouchere estimated that 400*l.* would be required for the latter), the college was to be "required, in the present peculiar state of the affairs of the city, to relinquish and give up the debts of 13,119*l.* before mentioned secured on the ale duty."

VII. "The town of Leith to have right in future to levy their own customs and market dues," and the city of Edinburgh to relinquish all claims on the town of Leith, as well as on the harbour, and docks.

To all the proposals of Mr. Labouchere, the town councils of Edinburgh and Leith at once agreed, and also the clergy of Edinburgh, in so far as they were interested in the merk per ton; but the trustees for the creditors, and it is believed, the great body of their constituents,

## APPENDIX TO REPORT FROM THE

## Appendix, No. 1.

Explanatory  
Remarks.

constituents, concurred in thinking the payment of three per cent. on three-fourths of their debts altogether inadequate. Supposing the city debts to have been 400,000*l.*, it was proposed to give the creditors three per cent. on 300,000*l.*, or 9,000*l.* a year, but in consequence of their refusal to accept of this sum, the proposed arrangement did not proceed.

In May 1836 the House of Commons ordered, "That a Select Committee be appointed, to whom shall be referred the Report made to His Majesty's Government (by Mr. Labouchere), regarding the affairs of the city of Edinburgh and port of Leith; and that such Committee do report their observations and opinion on the steps which it may be expedient to take thereon."

This Committee reported on the 4th of July as follows:—

"Your Committee are prepared to acquiesce in the proposed surrender of one-half of the public debt, and in the present postponement of interest on the remainder, as an inducement to the creditors to consent to a corresponding sacrifice, as necessary for the purpose of raising money for the improvement of the harbour of Leith; and in the confident expectation of accomplishing other important public objects."

"Your Committee concur in the suggestion made by Mr. Labouchere for abolishing the merk per ton; instead of 6,000*l.* they propose that 7,000*l.*, free from all deduction whatever, should be paid annually to the city of Edinburgh. This sum of 7,000*l.* should be secured preferably to all claims, either of old or new debt, on the docks and harbour of Leith."

"Your Committee also recommend the adoption of the suggestion made in the same Report for the establishment of a new board of commissioners for the docks and harbour in the place of that which now exists. With regard to the number and appointment of commissioners your Committee are disposed to think that the number should be limited to nine; four to be named by Government, three by the town council of Edinburgh, and two by that of Leith. The commissioners in no case to be themselves members of either of the councils."

The Committee further approved of all the other recommendations contained in Mr. Labouchere's Report; and, in order to overcome the opposition of the creditors, they recommended that they should receive 3½ per cent. on three-fourths of their debts, the bonds to be transferable without payment of stamp duty; thus increasing the annual payment from 9,000*l.*, as proposed by Mr. Labouchere, to 9,750*l.* It will be observed that, in order to meet this additional burthen of 750*l.*, the Committee increased the allowance from the Leith revenues from 6,000*l.*, as proposed by Mr. Labouchere, to 7,000*l.*; thus giving an advantage, to the extent of 250*l.* a year, to the corporation.

This Report of the Select Committee was likewise approved of by the town councils of Edinburgh and Leith, and by the city clergy, so far as they were interested in the merk per ton, but like Mr. Labouchere's Report, it was strongly objected to by the creditors and their trustees, who decidedly refused their concurrence. After much negotiation between the town council of Edinburgh and the trustees for the creditors, it was at length arranged, with the concurrence of the Chancellor of the Exchequer and Mr. Labouchere, who were written to on the subject, that the interest payable on the city debts should be increased from 3½ to 4 per cent., and that there should, in addition, be an annual sinking fund of 2,000*l.*, established for payment of the principal: thus increasing the annual payment by the corporation to its creditors from 9,750*l.*, as recommended by the Select Committee, to 14,000*l.*, including the sinking fund.

This modification of the Report of the Select Committee having been submitted to a public meeting of the creditors held in terms of the provisions of the Trust Act, the requisite majority refused to accede, still considering the terms disadvantageous to them, and thus this arrangement also fell to the ground.

This decision of the creditors led to the retirement from the trust of Lords Rosebery and Melville, Sir James Gibson Craig, and Mr. Richard Mackenzie, all of whom had approved of these terms of settlement, and recommended them to the acceptance of the creditors.

In consequence of the want of success which had attended all attempts to effect a settlement by composition, a negotiation took place for effecting an amicable settlement on an entirely different principle, viz. by a separation of those properties and revenues which were liable for debts, from those which were considered inalienable, and liable only for the proper municipal expenses of the burgh, according to the provisions of the Trust Act. This negotiation was conducted on the part of the city by Her Majesty's Solicitor-general for Scotland, who enjoyed the entire confidence of the corporation, and by Sir William Rae, who, in like manner, enjoyed the entire confidence of the trustees for the creditors. It having been found impracticable to effect a complete separation of interests, by dividing the properties and revenues in dispute between the creditors, on the one hand, and the corporation on the other, an arrangement was at length effected, on a plan combining the principle of separation to a certain extent with the recommendations of the Select Committee, as afterwards modified, with the approbation of the Chancellor of the Exchequer and Mr. Labouchere. This plan, which is now to be explained, after being finally adjusted by the trustees for the creditors and the town council, was submitted to a public meeting of the creditors, in terms of the provisions of the Trust Act, and was ultimately approved of, almost without opposition, by considerably more than the statutory majority.

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The reports of Mr. Labouchere and of the Select Committee of 1836, show that the ordinary revenues of the city (after deduction of 2,500*l.* for church expenses forming a preferable burden on the seat rents,) amount to 19,500*l.* By the terms of settlement arranged by Her Majesty's Solicitor-general and Sir William Rae, the petty customs, impost and burgess dues, amounting to 4,500*l.*, have been set apart as the inalienable revenues of the burgh, over which the creditors are to have no claim, and which are to be applicable only to the payment of municipal expenses. Over the remaining sum of 15,000*l.*, together with such reversionary interest as the city has in the revenues of the port of Leith, the creditors are to obtain a preferable security for perpetual annuities of 3*l.* on every 100*l.* of their debts. Supposing, as before stated, that the city debts are 400,000*l.*, these annuities will amount to 12,000*l.*, and will form a preferable burden over this sum of 15,000*l.*, and over the surplus revenues of Leith. Whatever balance may remain, after payment of these annuities, is to belong to the corporation; but if there should be a deficiency to meet the annual payment of 12,000*l.*, through any falling off in the revenues over which it is secured, the creditors are not to be entitled to demand that such deficiency shall be made up from any of the revenues amounting to 4,500*l.*, which were specially appropriated for municipal purposes. If, however, such deficiency shall occur, and if the town council shall not of their own accord provide for the same, the creditors are to be entitled to take possession of the whole subjects of the security in full satisfaction of all their claims, and to manage them for their own behoof, without being accountable to the corporation.

It is very important to notice, in order that the nature of the security given to the creditors may be fully understood, that the ordinary revenues over which it extends, amounting to 15,000*l.*, include the free produce of the seat rents, which has been estimated, perhaps rather highly, at 5,000*l.* This branch of revenue, as noticed in the report of Mr. Labouchere, is the subject of litigation, the Kirk Sessions and other parties contending that is not legally leviable. If their views shall prove to be correct, which however is not thought a probable event, either by the corporation or the trustees for the creditors, the ordinary revenues over which the security of creditors extends will thereby be reduced to 10,000*l.* From this will likewise fall to be deducted all the expenses for management, repairs and other burdens, which may perhaps amount to 1,500*l.*, leaving, according to this extreme, and it is thought improbable, view, a free surplus, applicable to the payment of the annuities of only 8,500*l.*, with such reversionary interest as may accrue from the revenues of the port of Leith.

From the explanations which have now been given, it must be apparent that the present settlement, although in some respects more favourable for the creditors, is in other very important conditions more favourable for the corporation than the one recommended by the Select Committee of 1836, as afterwards modified by the town council, with the approbation of the Chancellor of the Exchequer and Mr. Labouchere, and which was rejected by the creditors. By that settlement, the annual interest payable to the creditors was to be 12,000*l.* By the present settlement, the annuities are to be 12,000*l.*, and so far both plans appear to be the same; but by the former settlement, the city was empowered to redeem the debt by paying 75*l.* for every 100*l.* originally borrowed, while by the present plan the debt is redeemable only by the payment of the full sum, or by purchasing the bonds at their market value. By the former plan, there was likewise to be a sinking fund of 2,000*l.* a year, which made the total amount of the annual payment 2,000*l.* greater than by the present plan; and the period at which so small a sinking fund would redeem a debt of 400,000*l.* was so very remote, that, practically, it would have been felt, at least for a very long period, as a permanent burden. In this respect, the present plan is manifestly more favourable for the corporation, all the surplus revenues beyond 12,000*l.* being required to meet the current expenditure.

But the principal feature in which the present plan is more favourable for the corporation than the former, is the complete reservation of revenues, to the amount of 4,500*l.* a year, for municipal purposes, free from all claims on the part of the creditors. It has already been shown, that if the free revenue from seat rents should be altogether extinguished, a view which is certainly extremely improbable, although by no means impossible, the total amount of the ordinary revenues of the city, now conveyed to the creditors in security, would only amount to about 8,500*l.*; and as the annual payment formerly stipulated for was 14,000*l.*, there might, in this extreme view, have been a deficiency from these revenues, to meet the payments, of 5,500*l.* a year. As the annual payment of 14,000*l.* was to be secured over the whole revenues of the city, without exception, and was to be guaranteed by a power of assessment, if necessary, it might thus have swallowed up the whole ordinary revenues of the city, together with 1,000*l.* of the 2,500*l.* to be received for civic purposes from the port of Leith; thus leaving only 1,500*l.* for payment of the whole municipal expenses of the city, together with what might have been derived from the Ale Duty Act, which was to have been renewed, and of such further sum as might have been raised by a direct assessment on the inhabitants. By the present plan, no circumstances can arise in which the corporation will not have at least 4,500*l.* for municipal purposes, without having recourse either to the Ale Duty Tax, or to a direct assessment; and this, it is submitted, is a most important advantage which the present plan of settlement has over the former. On the other hand, the creditors enjoy one considerable advantage by the present plan, of which they were deprived by the former. It has already been stated that by the former plan 100*l.* of debt was to be redeemable by the corporation on payment of 75*l.*; consequently, the creditors would never have been able to obtain more than that sum for their bonds. But since by the present plan the corporation cannot compel parties to

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sell their bonds for less than 100*l.*, they may rise considerably above 75*l.*, if the seat rent question be decided in favour of the corporation, for in that case the security will be unquestionable. Even at present there is a very general impression, that with all the doubts which hang over this question, the bonds will sell for 80*l.* as soon as an Act of Parliament sanctioning the settlement shall have been obtained. This would be an apparent advance of 5*l.* on every 75*l.* which the creditors would have obtained by the former settlement; but it is in reality an advance of only 2*l.* 15*s.*, as during the last year the creditors received a dividend of only 15*s.* on every 100*l.* of their debt, while they would have received a dividend of 3*l.* if the former settlement had taken effect. On the whole, it is confidently submitted, that there can be no reasonable grounds for doubt that the present settlement is more advantageous for the corporation than the one formerly rejected by the creditors. At the same time it is satisfactory to think, that with these advantages to the corporation, it is likely to give additional facilities for the sale of the transferable bonds, and consequently prove more beneficial to the creditors. For all these reasons it is respectfully submitted that a strong case has been made out for the favourable consideration of the Chancellor of the Exchequer, and it is confidently hoped that he will be induced to afford every facility in his power for carrying the present settlement into effect.

The matter more immediately requiring the favourable consideration of the Chancellor of the Exchequer is the valuation of the reversionary interest of the creditors in the revenues of the port of Leith. When the present settlement was first adjusted, it was not attempted to ascertain the precise value of this claim by fixing it at any given sum, the creditors on the one hand, and the town council on the other, being willing, so far as they were concerned, to wait for such surplus revenues and such reversionary interest as might be realised in the course of time. It was, however, represented to them, that it was the wish of Her Majesty's Government, of all the parties interested in the prosperity of the port of Leith, and of various other parties, that the interest of the creditors should be valued at a fixed sum, because until this was done it would throw difficulties almost insuperable in the way of carrying into effect the recommendations of the Select Committee of the House of Commons of 1836, for the improvement of the port, the commutation of the merk per ton, and the arrangement of the affairs of the university of Edinburgh, all of them public objects of very great importance. It was at the same time represented, that it would afford great facilities for carrying through the settlement if the creditors would accept of 2,500*l.* in full of their claims on these revenues, that being the unappropriated balance of the 7,000*l.* which the Select Committee proposed to apply for local purposes; the remaining sums of 2,500*l.* and 2,000*l.* having been specially appropriated, the former for the support of the university and schools, and the latter for the commutation of the merk per ton, belonging to the clergy of Edinburgh. With the most anxious desire to promote all the public objects referred to, so far as this could be accomplished without sacrificing the interests of the creditors, the trustees felt that they would not be justified in accepting of 2,500*l.* in lieu of all their claims on these revenues. They formed this resolution both because they considered this compensation less than the real value of their reversionary interests, and also because when added to the other free revenues of 8,500*l.* (if the seat rents should be altogether extinguished) the whole revenues conveyed to them in security would be inadequate to meet the payment of the stipulated annuities.

In these circumstances it was judged advisable to call a meeting of all the parties interested to ascertain what could be done in removing the obstacles to a valuation of the interests of the creditors. Accordingly, a joint meeting was held of committees of the town councils of Edinburgh and Leith, of the trustees for the city creditors, and of the aggregate committee of public bodies of Leith, which, after an amicable discussion of all the points in dispute, ending in a general arrangement by which all these parties agreed to urge Her Majesty's Government to allow an additional payment of 480*l.* to the creditors from the revenues of the port of Leith, on the understanding that all the other objects already referred to, which were recommended in the Report of the Select Committee, should be carried fully into effect. No new condition, no other modification of any of the recommendations which have been already referred to, contained in that Report, is required by any one of the parties interested; but all of them unite in expressing their opinion that the creditors are in fairness entitled to this additional payment of 480*l.* a year.

The trustees for the creditors conceive they have a strong claim to this sum of 480*l.*, in addition to the 2,500*l.*, formerly proposed, by the Select Committee, to be given to the corporation for general purposes, because, more than two years ago, the town council conveyed to them a sum of 480*l.* payable by the city clergy, from the merk per ton, as interest of 12,000*l.* advanced by the corporation on their account; being their proportion of 28,000*l.* expended in certain improvements effected on the harbour in terms of an Act of Parliament passed for that purpose. The creditors having thus already acquired right to this sum, it appears reasonable to all the other parties interested that they should continue to enjoy it, and that when the merk per ton shall be abolished for the benefit of other public interests, the creditors shall receive full compensation for this claim, preferably secured on the general revenues of the harbour and docks, in the same manner as the other sum of 2,500*l.* In truth this sum of 2,500*l.* is taken as the value, and it is certainly not more than the value, of the reversionary interest of the creditors in these revenues. The sum of 480*l.*, on the other hand, is a present preferable debt forming a burden on the merk per ton, not an interest in reversion affecting the ordinary revenues belonging to the corporation.

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## SELECT COMMITTEE ON EDINBURGH AND LEITH AGREEMENT. 11

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It will be easy to show, that by conceding this additional payment, Government will be placed in a more advantageous position, with reference to the public loan, than if the Report of the Select Committee had been acceded to by the creditors, and immediately carried into effect. At that period, as shown in the above quotation from Mr. Labouchere's report, the debt due to Government amounted to 236,741*l.*, exclusive of 10,350*l.* of arrears of interest and sinking fund then owing. Since that period this and other sums of interest, to the extent in all of 17,508*l.* 6*s.* 3*d.* have been paid, and in addition to this, 8,366*l.* 13*s.* 9*d.* of the principal has been paid off; thus forming a total of 25,875*l.*, all of which would have been retained for the promotion of the public objects before referred to, if the creditors had then agreed to the Report of the Select Committee, and all of which would, consequently, have been lost to the Government. The creditors request only 480*l.*, being the interest of 12,000*l.* which was lent by the city, as the clergy's proportion of 28,000*l.* expended in improving the harbour; and even after this addition shall have been conceded, the Government will be in a more advantageous position, regarding the public loan, by 13,875*l.* than if the Report of the Select Committee had formerly been carried into effect. It is right to state, that the rival harbour of Granton is expected to be opened on the 28th of June, and that, unless steps be speedily taken for the improvement of Leith harbour, by providing proper accommodation for steam vessels, the revenues may be permanently injured to a very considerable extent.

It is proper to state that, independently of these considerations, the sum of 2,980*l.* is a low valuation of the claims of the creditors on the harbour and docks of Leith. By various Acts of Parliament, which it is not necessary here to quote, the corporation of Edinburgh advanced large sums of money, on account of the deficiency of the dock revenues, to meet the annual payments due to Government; and it is provided, that all these advances shall be re-paid from the dock dues, with interest, after the extinction of the Government debt. Large sums were also advanced for the erection of drawbridges, which were to be re-paid, in like manner, from certain pontage dues, authorized to be levied, but the pontage dues have not been altogether adequate to pay the annual interest, so that the debt has been gradually increasing. Then there is the sum of 12,000*l.*, already referred to, advanced, on account of the clergy, for which the creditors now receive 480*l.* a year. These advances by the city, at the close of 1837, amounted with interest to the following sums, viz.:

1. Advances to meet the annual payments due to Government on account of the docks	<i>£.</i>	50,800
2. Advances on account of drawbridges, to be repaid from the pontage dues		30,000
3. Advances on account of the drawbridges, being postponed debt, to be repaid from the pontage dues		8,214
4. Advances on account of the clergy's proportion of 28,000 <i>l.</i> expended in improving the harbour, for which 480 <i>l.</i> a year is now payable per agreement		<u>12,000</u>
	<i>£.</i>	<u>102,114</u>

The creditors have unquestionably a good right to all these claims, as there can be no doubt that they are all alienable, according to the meaning of the Trust Act; and consequently belong to them. For a well-secured annuity of 2,980*l.*, they are willing to relinquish all right which they have to the repayment of the first three of these sums, with interest, after the extinction of the Government debt, and all right which they have to the interest of the last of these sums at present preferably secured to them on the merk per ton. They are likewise willing to relinquish all right which they have to such surplus revenues as may accrue during the existence of the Government debt; and to such rever-sionary interest as they may have in the shore dues, berthage and flaggage dues which are not liable for any of the above debts, and which amount to about 5,000*l.* a year. It is confidently submitted that for these valuable interests, the trustees for the creditors have made a very fair offer in agreeing to accept of a perpetual annuity of 2,980*l.*, and that, in the circumstances, the offer ought to be acceded to by Government, as it has been by the other parties.

It has been thought advisable that only such matters as are necessary to be adjusted as between the city and its creditors should be included in the private Bill to be brought into Parliament by the corporation, and that the other public objects recommended in the Report of the Select Committee, which have already been referred to, should be included in a public Bill to be introduced by Government. The corporation, the creditors, and all the other parties interested in carrying into effect the recommendations of the Select Committee, entreat and expect that Government will give those measures an active support, otherwise they are aware they can have no prospect of their being carried into effect during this session of Parliament; and it must be evident that irreparable injury to all the interests concerned will arise from any further delay.

It is therefore proposed that power should be taken,

1st. To give the creditors 2,500*l.* from the Leith revenues, in lieu of all claim which they have thereon.

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2d. To

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2d. To provide that 2,000*l.* per annum shall be made payable in lieu of the merk per ton to be abolished, and that the sum of 480*l.* presently payable from the merk, shall form a burden on the other revenues of Leith, and be preferably secured in the same manner as the sum of 2,500*l.*

3d. To provide that the debt due to the College of 13,119*l.* shall be extinguished, as recommended in the Reports of Mr. Labouchere and the Select Committee, and that the annual payments chargeable thereon, together with the other claims for the support of the University and public schools, shall form a burden on the sum of 2,500*l.* proposed to be given for educational purposes out of the revenues of Leith.

4th. To provide that the bonds be free from stamp duties and transferable by indorsement, in terms of the Reports above referred to. The other provisions of the private Bill, being matters which do not affect any public interests, it has been thought unnecessary to do more than give an outline of the plan of settlement; the clauses being framed so as to carry it fairly into effect.

Signed in name of, and by appointment of, the Lord Provost, Magistrates, and Town Council of the City of Edinburgh, in terms of an Act of Council to that effect of 24th April 1838.

London, 30th April 1838.

*D. McLaren,*  
Treasurer of the City.

**PROPOSAL by the City of Edinburgh to its Creditors.****Proposal by the  
City of Edinburgh  
to its Creditors.**

It is proposed, on the part of the Lord Provost, Magistrates, and Town Council of the City of Edinburgh—

I. That the whole debts due by the City, as on 1st June 1833, including those charged on the ale-duty, shall be compounded by payment to the creditors (other than the life annuitants) of a perpetual annuity of three per cent., free of all deduction, and redeemable only on payment to the holder of 100*l.* sterling for every 3*l.* of annuity.

II. That the life annuitants shall receive, during their lives, three-fourths of the annuities due to them, in terms of an arrangement made between them and the trustees for the creditors.

III. That these annuities shall be paid half-yearly, and shall be constituted by bonds, to the transference of which the greatest facilities shall be afforded.

IV. That the City shall grant a valid preferable security for those annuities over the whole property, of whatsoever description, now belonging to the City, with the following exceptions:—1. The Common Good; but this to form the security of an annual payment to the creditors of 1,000*l.* 2. The Impost on Wines. 3. The Petty Port Customs of Edinburgh. 4. The Fees payable on the entry of Burgesses. 5. The Petty Customs of Leith.

V. The City, after granting this security, shall do nothing by which the subjects of it may be dilapidated, or their value materially diminished.

VI. In the event of the aforesaid annuities not being duly paid, the creditors shall have power to take possession of the whole subjects in the security (with the exception of the Common Good, in regard to the security over which a special provision shall be made), and the said subjects shall be completely surrendered to the creditors, to be disposed of by them in such manner as they may deem best, without any liability to account to the City thereon. Provided always, that the Exchange buildings, the Meadows, Carlton Hill, and Prince's-street Gardens, shall be retained by the City, at a value to be now fixed by Sir William Rae and Mr. Solicitor-general Rutherford, and, in the event of their differing, by an oversman to be appointed by them.

VII. As regards Leith Revenues, it is proposed,—

1. Neither the dock dues, harbour dues, nor any dues therewith connected, shall be lowered without the consent of the creditors.

2. Prior to the extinction of the Government Debt, and while the proposed annuity shall continue to be paid to the creditors, the interest and sinking fund connected with Government Debt shall be regularly provided for, and a sum not exceeding 1,000*l.* may be annually made applicable to the improvement of the harbour, in addition to the 2,000*l.* now dedicated to that purpose; the merk per ton payable to the ministers of Edinburgh being chargeable with the usual proportion of the same. Provided that, in the event of any deficiency of the revenue to answer those purposes, the Government Sinking Fund shall be postponed to the extent of such deficiency.

3. The terms thus proposed shall be equally applicable to the Leith revenues, in the event of those revenues being surrendered to the creditors prior to the extinction of the Government Debt.

4. Subsequent

4. Subsequent to the extinction of that debt, a sum not exceeding \_\_\_\_\_ of the free revenues may be applied to the improvement of the harbour, in whosesever possession those revenues may then be.

VIII. The dividends which have already been made, and that proposed to be made in December next, together with the arrears of dividends due to the ale-duty creditors, shall be accepted of by the creditors, and declared to be in full satisfaction of all interest due to them prior to 26th December 1837.

IX. Effect shall be given to the whole of the above proposals and details therewith connected, by an Act of Parliament, to be applied for during the present session of Parliament, which shall be prepared at Edinburgh, at the sight of Sir William Rae and Mr. Rutherford, and, in the event of any difference between them, by an oversman to be appointed by them; and it is proposed that Sir William Rae shall move the second reading of the Bill in the House of Commons, so as to secure his being a member of the Committee on the Bill, such Bill not to embrace any other object than that of carrying the proposed composition into effect.

X. All litigation whatever between the Lord Provost, Magistrates, and Council, and the Trustees for the creditors, to be suspended until these proposals shall be submitted to a meeting of creditors, and, in the event of their being then accepted of by the requisite majority of creditors, litigation shall be further suspended until the result of the proposed application to Parliament shall be ascertained.

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Proposal by the  
City of Edinburgh  
to its Creditors.

### Appendix, No. 2.

#### ACTS OF COUNCIL, containing Commission to Bailie Sawers to proceed to London on the City's Affairs.

Council Chamber, Leith, 24 April 1838.

Appendix, No. 2.

Present:—Provost White; Bailies Smith, Liddell, Thom, Beadie; Treasurer Watson; Councillors Miller, Ferguson, Mathie, Carnie, Johnston, Gavin, Philip, Taylor, Gibbs.

Minutes of the  
Town Council of  
Leith.

The Provost laid the following communications, which he had received on the subject of the proposed settlement of the city's affairs, before the council; viz.

Dear Sir,

Edinburgh, 23 April 1838.

I am directed by the Lord Provost to acquaint you, that on Friday last, the committee of the council had a meeting with the trustees for the creditors, which was adjourned till this day; and I now enclose, for the information of the magistrates and town-council of Leith, the minute of the Lord Provost's committee of this day's date.

I am, &c.

Adam White, Esq. Provost of Leith.

(signed) C. Cunningham.

Follows the Minute referred to.

Lord Provost's Committee, 23 April 1838.

Present:—The Lord Provost; Bailies Sawers, Crooks, Miller, Dean of Guild Thomson; Treasurer M'Laren; Convener Dick; Councillors Grant, Baird, Stodart.

There was laid before the committee the following communication from the trustees for the creditors.

My Lord,

Edinburgh, 23 April 1838.

In reference to the subject of the Leith conference between your lordship and committee with the city creditors, I am directed to state, that the trustees are decidedly of opinion, that no valuation of the Leith revenues can be entertained by them unless the compensation of 480*l.* by the clergy shall be added to the proposed sum of 2,500*l.*, and unless no alteration shall take place in the terms of the Report of the Select Committee of the House of Commons prejudicial to the interest of the creditors, in the event of the recommendations of that Report being carried into effect in a public bill. Even on the footing thus set forth, the trustees are strongly impressed with the belief, that no arrangement for the valuation of those revenues can receive effect by which the interest of the creditors will not be placed in a worse position than they now stand under the agreement with the city magistracy.

They are unwilling, however, to exclude the chance of a satisfactory adjustment; and having put Sir William Rae fully in possession of their sentiments, they have invested him with unlimited powers to act in their behalf. Should the city of Edinburgh and the town council of Leith consider these views not unreasonable, and shall respectively vest one individual with similar powers, so that the matter may be fully and fairly discussed in London, the trustees consent that the expenses of such two persons shall be defrayed from the city funds.

As the Solicitor-general for Scotland purposes leaving London on the 3d of May, it will be necessary that the deputations shall proceed to London forthwith; and although Sir William Rae cannot be there before the 30th instant, it will be desirable that the delegation should precede him, so as to ascertain whether Government will consent to give a preference to the foresaid payment from the Leith revenues, over the interest and sinking fund exigible

## APPENDIX TO REPORT FROM THE

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Minutes of the  
Town Council of  
Leith.

eligible for the Government debt; and will also countenance the steps necessary for the introduction of a bill during the present session. Unless these points are agreed to, it will obviously be needless to enter into further discussion on the subject.

The Right Hon. the Lord Provost.

I am, &c.  
(signed) *Patrick Irvine.*

And the committee, having considered the proposal contained in the above letter, in terms of the powers committed to them in the council's remit of the 10th instant, do hereby express their concurrence in the said proposal, and direct a report to be made to the council to this effect, with a recommendation that they will authorize Treasurer M'Laren forthwith to proceed to London, with full power, on the part of the Lord Provost, magistrates, and council, to act for them in completing the general arrangement with the creditors, and otherwise giving and granting to him full power and authority for them, and in their name to sign and present any memorials that may be necessary to Her Majesty's Government, or any petitions to either House of Parliament that may be required, or any other documents whatever.

The committee also direct a copy of this minute immediately to be communicated to the provost and magistrates of Leith, and to Mr. Reoch, who appeared at a former meeting on the part of certain committees of that town, with a request to Provost White, that he will immediately move the town council of Leith to appoint a person forthwith to proceed to London, invested with powers to act for them, similar to those proposed to be given to Treasurer M'Laren, initialed I. F.

Bailie Smith moved, that Bailie Liddell be appointed to proceed to London, to represent this council at the meeting of parties referred to in the above minute, and this motion was seconded by Bailie Thom.

The Provost moved, that Councillor Philip be appointed to represent this council in London at the approaching meeting, and that Mr. Anderson, the town-clerk, be appointed to accompany Mr. Philip; and the Provost's motion was seconded by Bailie Beadie. And the motions having been put to the vote, and the votes taken, the following members voted as follows (Bailie Liddell having stated before the vote was taken that he would decline voting): for Provost White's motion, Provost White, Bailie Beadie, Treasurer Watson, Councillors Miller, Ferguson, Mathie, Carnie, Taylor, Gibbs. For Bailie Smith's motion, Bailie Smith, Bailie Thom, Councillor Johnston. Whereupon the Provost's motion was declared to be carried, nine having voted for the Provost's motion, and three for the motion of Bailie Smith. Councillor Philip declined to vote.

The council therefore appointed Councillor Philip and the clerk to proceed to London, and represent this council on the subject referred to in the minute before engrossed.

Bailie Thom moved, that it be an instruction to the deputation, that, with the exception of ceding the 480*l.* from the revenues of the port, in addition to the 2,560*l.*, recommended in the Report of the Select Committee, the deputation shall have no further powers to agree to the alteration of any details which are not based on the Report of the Select Committee, or make any alterations from the basis of that Report, without the sanction of the council; which motion was seconded by Councillor Taylor.

The Provost moved, as an amendment, that the delegate for this council appointed to proceed to London, shall have the like powers as those proposed to be conferred on the delegate for the city of Edinburgh, as set forth in the minute of the committee of the town-council of Edinburgh before engrossed, of date the 23d April current; which amendment was seconded by Councillor Miller. And the motion and amendment having been put to the vote, the members of council voted as follows: For Bailie Thom's motion, Bailie Smith, Bailie Thom, Councillors Johnston, Taylor. For the Provost's amendment, Provost White, Bailie Beadie, Treasurer Watson, Councillors Miller, Ferguson, Mathie, Carnie, Philip, Gibbs. Whereupon the amendment was declared to be carried, four having voted for the motion, and nine for the amendment; and the council invest the delegate, Mr. Philip, with full and the like powers accordingly, and allow this minute to be extracted without abiding a second reading.

Extracted furth of the records of the town council of Leith, by

*W. Anderson, Town Clerk.*

At Edinburgh, the 8th day of May, in the year 1838,

Acts of Council,  
Edinburgh.

WHICH day the Right honourable the Lord Provost, magistrates, and council of the city of Edinburgh, being assembled, the Lord Provost communicated to the council letters which he had received from Treasurer M'Laren, of dates the 3d and 5th instant, in regard to the matter on which he had been sent to London.

As the treasurer had stated the necessity of his returning from London, Councillor Macaulay, seconded by Councillor Bell, proposed that Councillor Stodart should be requested to supply his place. Councillor Stodart expressed himself much flattered by the honour proposed for him, but considered it proper to state, that at this particular time it was not possible for him to undertake the duty, except on the express understanding that he was to be allowed the usual professional remuneration.

Councillor

SELECT COMMITTEE ON EDINBURGH AND LEITH AGREEMENT. 15

Councillor Grant then moved, "That the matter be remitted to the Lord Provost's committee with powers, and to correspond with the trustees in regard to the appointment of Councillor Stodart to represent the council at the conference of the parties in London;" which was seconded by Councillor Neill.

It was then moved by Councillor Laing, and seconded by the Dean of Guild, "That it is inexpedient to send any member of council to London who shall be paid more than his expenses, as it is a direct infringement of the self-denying ordinance."

Bailie Sawers, seconded by Councillor Whyte, moved, "that as another letter might be expected from the treasurer by the post of to-morrow, the council should adjourn this discussion till to-morrow at 11 o'clock." To which the council agreed, and the further consideration of the matter was adjourned accordingly.

Extracted from the council records, by

*Carlyle Bell, Conjoint Clerk.*

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At Edinburgh, the 9th day of May, in the year 1838,

WHICH day the Right honourable the Lord Provost, magistrates and council of the city of Edinburgh being assembled, resumed consideration of the adjourned debate of yesterday, and the question was put on Councillor Laing's amendment, which was adopted by a majority of 15 to 4, so that the council resolved, that it is inexpedient to send any member of council to London who shall be paid more than his expenses, as it is a direct infringement of the self-denying ordinance.

Councillor MacLagan, seconded by Councillor Whyte, moved, that Bailie Sawers be named the delegate to proceed to London.

Bailie Crooks moved, that Bailie Millar should be the delegate, which was seconded by Councillor Falkner.

Bailie Millar having stated that he had no desire to be sent to London, Bailie Thomas Sawers was appointed to proceed to London, with the same powers as were committed to Treasurer M'Laren, viz. with full power, on the part of the Lord Provost, magistrates, and council, to act for them in completing the general arrangement with the creditors, and otherwise; giving and granting to him full power and authority for them, and in their name to sign and present any memorials that may be necessary to Her Majesty's Government, or any petitions to either House of Parliament that may be required, or any other documents whatever.

Extracted from the council records, by

*Carlyle Bell, Conjoint Clerk.*

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Appendix, No. 2.

Acts of Council,  
Edinburgh.

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R E P O R T  
FROM THE  
SELECT COMMITTEE  
ON  
EDINBURGH AND LEITH  
AGREEMENT;  
WITH  
AN APPENDIX.

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*Ordered, by The House of Commons, to be Printed,*  
*12 June 1838.*

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# R E P O R T

FROM THE

## COMMITTEE

UPON

# EXPIRED *and* EXPIRING LAWS:

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FOR THE

I<sup>ST</sup> Session—XIII<sup>TH</sup> Parliament of the United Kingdom of  
GREAT BRITAIN AND IRELAND.

(1 VICTORIA, Sess. II. 1837-8.)

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*Ordered, by The House of Commons, to be Printed,*  
*9 February 1838.*

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*Mercurii, 7<sup>o</sup> die Februarii, 1838.*

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*Ordered, THAT a Select Committee be appointed to inquire what Temporary Laws, of a Public and General Nature, made by the Parliaments of *England*, or *Great Britain*, or *Ireland*, or of the United Kingdom, are now in force, and what Laws of the like nature, passed by the *English*, *British*, *Irish*, or United Parliaments, have expired between the First day of the last Session of Parliament and the First day of the present Session; and also, what Laws of the like nature are about to expire in the course or at the end of the present Session, or on or before the 1st day of August 1839, or in the course or at the end of any Session which may commence during that period, or in consequence of any contingent public event:*

*And a Committee is appointed, of—*

<i>Mr. Baring,</i>	<i>Mr. Charles Wood,</i>
<i>Mr. Attorney General,</i>	<i>Mr. Hume,</i>
<i>Mr. Solicitor General,</i>	<i>Mr. Jervis,</i>
<i>The Lord Advocate,</i>	<i>Mr. More O'Ferrall,</i>
<i>Lord Viscount Howick,</i>	<i>Mr. Benett,</i>
<i>Sir Thomas Fremantle,</i>	<i>Mr. Guest,</i>
<i>Mr. Edward John Stanley,</i>	<i>Mr. Bernal.</i>
<i>Mr. Parker,</i>	

*Ordered, THAT the Committee do report their Observations; and have power to send for Persons, Papers and Records.*

*Ordered, THAT it be an Instruction to the Committee, That they do report their Opinion from time to time to The House, which of the said Laws are fit to be revived, continued, or made perpetual.*

*Ordered, THAT Five be the Quorum of the Committee.*

*Ordered, THAT the Committee have power to sit notwithstanding any adjournment of The House.*

*Ordered, THAT the Report dated 18th March 1837, from the Committee on Temporary Laws of a Public and General Nature, be referred to the said Committee.*

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## R E P O R T.

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THE SELECT COMMITTEE appointed to inquire what TEMPORARY LAWS of a Public and General Nature, made by the Parliaments of England, or Great Britain, or Ireland, or of The United Kingdom, ARE NOW IN FORCE ; and what Laws, of the like nature, passed by the English, British, Irish, or United Parliaments, HAVE EXPIRED, since the First day of the Session of Parliament holden in the Seventh Year of the Reign of His late Majesty King WILLIAM the Fourth, and in the First Year of the Reign of Her present Majesty Queen VICTORIA, and before the First day of the present Session ; and also what Laws, of the like nature, ARE ABOUT TO EXPIRE, in the Course, or at the End, of the present Session, or on or before the First day of August 1839 ; or in the Course, or at the End, of any Session referring to that period ; or in consequence of any Contingent Public Event ; and to report the same, with their Observations thereupon, to The House : And who were instructed to report their Opinion, from time to time, to The House, which of the said Laws are fit to be revived, continued, or made perpetual :—

HAVE proceeded to an Examination of the Matters referred to them : And beg leave to present to The House ;

*First:* A detailed STATEMENT OR REGISTER of all the TEMPORARY LAWS, of a Public and General Nature, now in force ; which have been enacted by the PARLIAMENTS OF ENGLAND, OR GREAT BRITAIN, OR IRELAND, OR OF THE UNITED KINGDOM, from the Commencement of the Reign of King WILLIAM the Third, to the 17th day of July 1837, being the last day of the last Session of Parliament ; specifying the Matter, Date, Chapter and Title, of each of the original Acts, and the Dates and Chapters of the respective subsidiary Acts by which they have been either amended or continued.—In drawing up this Statement or Register, They have proceeded, by continuing the Enumeration of Laws contained in the Report of the Committee on Expired and Expiring Laws, ordered to be printed on the 18th day of March 1837, and adding thereto such Temporary Laws as have since been passed, and are now in force ; and also, by making such Alterations therein, as have been rendered necessary by other Laws which were passed during the Session 7 WILL. IV. and 1 VICT.

*Secondly:* Your Committee have drawn up an Enumeration of all the Public General Laws, of a Temporary Nature, which HAVE EXPIRED between the 31st day of January 1837, being the First day of the last Session of Parliament, and the 15th day of November 1837, being the First day of the present Session : Omitting only such Annual and other Acts as have been replaced by subsequent Acts now in force.

*Thirdly:* Your Committee have drawn up an Enumeration of all the Public General Laws which are ABOUT TO EXPIRE, in the Course, or at the End, of the present Session, or on or before the First day of August 1839, or in the Course, or at the End, of any Session referring to that Period : and they have arranged this Enumeration chronologically, according to the Dates at which they will expire respectively.

*Fourthly:* Your Committee have drawn up an Enumeration of Laws, the Duration whereof depends on PUBLIC CONTINGENCIES. In this List they have not thought it necessary to include several, which, though of a Temporary and Contingent Duration, do not seem to require any special Notice; namely, such as have been made for the Funding of particular Loans, or for granting Personal Annuities, &c. &c.

To the Whole, Your Committee have subjoined an ALPHABETICAL TABLE of the Matters of the several Acts enumerated in their Report.

9 February 1838.

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### L I S T.

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I.—REGISTER of TEMPORARY LAWS, now in force, including those of the Parliament of Ireland, from the Commencement of the Reign of King WILLIAM III to the 15th day of November 1837; the First day of the present Session 1 VICT. Session 2.

(A.) Of the ENGLISH and BRITISH PARLIAMENTS; to The Union of Great Britain and Ireland	pages 5—7
(B.) Of the IRISH PARLIAMENT; to The Union	8
(C.) Of the UNITED PARLIAMENT	9—23

II.—LIST of EXPIRED LAWS; viz.

Between 31st January 1837 and 15th November 1837	24, 25
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III.—LIST of EXPIRING LAWS; viz.

AT the END of the PRESENT SESSION	26—28
After 15th November 1837, and on or before 1st August 1839, &c.	28

IV.—LIST of LAWS, whereof the Duration depends on Public Contingencies

29, 30

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## I.

# REGISTER OF TEMPORARY LAWS NOW IN FORCE.

**(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS :**  
**FROM THE COMMENCEMENT OF THE REIGN OF KING WILLIAM III. TO**  
**THE UNION OF GREAT BRITAIN AND IRELAND.**

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
1.  BANK of ENGLAND.	5, 6 W. & M.  8, 9 W. 3.  9, 10 W. 3.  N. B. This Corpora- tion further contin- ued by successive Loan Acts down to  10 Geo. 4.	20 § 20.  21. 20 § 26. 27, 28. 44 § 75.  See also 6 Ann, c. 22. &c. (N° 3.)	For granting to their Majesties several rates and duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors ; for securing certain recompences and advantages, in the said Act mentioned, to such persons as shall voluntarily advance the sum of £. 1,500,000. towards the carrying on the war against France.	Till Redemption of all Bank Annuities created by Parliament.
2.  EAST INDIA COMPANY.	9, 10 W. 3.  continued and extended by 6 Ann.  10 Ann.  3 Geo. 2.  17 - -  13 Geo. 3.  19 - -  20 - -  21 - -  33 - -  53 - -  54 - -	44.  17.  28.  14.  17.  64.  61.  56.  65.  52.  155.  34.	For raising a sum, not exceeding Two Millions, upon a fund for payment of Annuities after the rate of eight pounds per centum per annum, and for settling the trade to the East Indies.  N. B.—See also the following Acts relating to the East India Company; viz.—7 Geo. 1. st. 1. c. 5. § 32, 33 ; 7 Geo. 3. c. 50 ; 10 Geo. 3. c. 47 ; 23 Geo. 3. c. 22 ; 26 Geo. 3. c. 62 ; 28 Geo. 3. c. 29 ; 29 Geo. 3. c. 65 ; 31 Geo. 3. c. 11 ; 33 Geo. 3. c. 47 ; 34 Geo. 3. c. 41 ; 37 Geo. 3. c. 31 ; 44 Geo. 3. c. 3 ; 47 Geo. 3. st. 2. c. 41 ; 51 Geo. 3. c. 64 ; & 52 Geo. 3. c. 121 ; as to the Interest on, and increase of, their Capital Stock and Bond Debt :—7 Geo. 3. c. 57 ; 9 Geo. 3. c. 24 ; 23 Geo. 3. cc. 36, 83 ; 24 Geo. 3. c. 34 ; 50 Geo. 3. c. 114 ; 52 Geo. 3. cc. 10, 135 ; and 3 Geo. 4. c. 93 ; as to Payments by the Company, and relief or advances to the Company :—7 Geo. 3. c. 50 ; 10 Geo. 3. c. 47 ; 13 Geo. 3. c. 63 ; 17 Geo. 3. c. 8 ; 21 Geo. 3. c. 70 ; 26 Geo. 3. c. 25 ; 27 Geo. 3. c. 48 ; 33 Geo. 3. c. 52 ; 36 Geo. 3. cc. 119, 127 ; 37 Geo. 3. c. 142 ; 39 Geo. 3. c. 59 ; 39 & 40 Geo. 3. cc. 59, 79 ; 41 Geo. 3. (U.K.) c. 21 ; 42 Geo. 3. c. 29 ; 45 Geo. 3. c. 36 ; 47 Geo. 3. st. 2. c. 68 ; 51 Geo. 3. c. 75 ; 53 Geo. 3. c. 155 ; 55 Geo. 3. cc. 64, 84 ; 4 Geo. 4. c. 71 ; 5 Geo. 4. c. 108 ; 6 Geo. 4. c. 85 ; 7 Geo. 4. c. 56 ; 10 Geo. 4. c. 15 ; for Regulating the affairs of the Company in India and Europe :—24 Geo. 3. st. 2. c. 25 ; 26 Geo. 3. c. 57 ; 28 Geo. 3. c. 8 ; 31 Geo. 3. c. 10 ; for erecting the Board of Control, &c. :—28 Geo. 3. c. 8 ; 31 Geo. 3. c. 10 ; 33 Geo. 3. c. 52 ; 37 Geo. 3. c. 74 ; 39 Geo. 3. c. 109 ; 43 Geo. 3. c. 48 ; 50 Geo. 3. c. 87 ; 52 Geo. 3. c. 122 ; 53 Geo. 3. c. 155 ; 1 Geo. 4. c. 99 ; 4 Geo. 4. cc. 71, 81 ; 6 Geo. 4. c. 61 ; 7 Geo. 4. c. 52 ; relating to the military and naval forces and volunteers in the Company's pay :—6 Ann. c. 3 ; 7 Geo. 1. st. 1. c. 21. § 9 ; 33 Geo. 3. c. 52 ; 37 Geo. 3. c. 117 ; 42 Geo. 3. c. 77 ; 48 Geo. 3. c. 30 ; 53 Geo. 3. c. 155 ; 54 Geo. 3. c. 34 ; 57 Geo. 3. cc. 36, 95 ; 1, 2 Geo. 4. c. 65 ; 4 Geo. 4. c. 80 ; 5 Geo. 4. c. 88 ; 7 Geo. 4. c. 56 ; as to their Exclusive trade, and the Permitted trade of individuals :—12 Geo. 3. c. 54 ; 43 Geo. 3. cc. 63, 137 ; 46 Geo. 3. c. 85 ; 55 Geo. 3. c. 116 ; 57 Geo. 3. c. 120 ; 58 Geo. 3. c. 83 ;—54 Geo. 3. c. 36, (in part repealed by 6 Geo. 4. c. 105) ; 54 Geo. 3. c. 103 ; 4 Geo. 4. c. 72 ; as to Regulations for payment, &c. of customs duties on East India goods :—9 Geo. 4. c. 73. as to Insol- vents :—and c. 74. as to Administration of Criminal Justice in the East Indies :—3, 4 Will. IV. c. 93 ; to regulate the Trade to China and India : and 4, 5 Will. IV. c. 33, as to Deposits upon Teas sold at the Company's Sales.	Till Expiration of three Years' Notice, &c.  [See post, 3, 4 Will. IV. c. 85. No. 46.]

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS— <i>continued.</i>				
Matter.	Date.	Ch.	Title of the Act.	Duration.
3. BANK of ENGLAND Continuance: and OTHER BANKERS LIMITED.	6 Ann.	22. § 9.	For continuing several duties, &c., and for securing the credit of the Bank of England, &c. &c.	Determinable upon one Year's Notice given within Six Months after 1 August 1844
	7 - -	7 § 5. 6. 7. 61.	[§ 9. of 6 Ann. restricts the number of Partners to Six in all other Banks in England issuing Notes on demand, &c., during the continuance of the Bank of England Corporation. The period of that continuance, and of the restriction on other Banks, is enlarged by the subsequent Acts. The original continuance under 5, 6 W. & M. c. 20. was until 12 months' notice after 1 August 1705; enlarged to 1710, by 8, 9 W. & M. c. 20. (see <i>ante</i> , N° 1.) and afterwards by 7 Ann, and the subsequent Acts, to 1732, 1742, 1764, 1786, 1812, and by 39, 40 Geo. 3. to 1833. By 3 Will. IV. c. 98. § 2. Banking Corporations or Societies or Partnerships of more than Six Persons in number, are prohibited from issuing Notes or Bills payable on demand, in London or elsewhere, within 65 miles thereof. But by § 3. of that Act, any Body Politic or Corporate, or Society, or Company, or Partnership, although consisting of more than Six Persons, may carry on the business of Banking, in London or within 65 miles thereof; Provided that they do not borrow, owe, or take up, in England, any sums on their Bills or Notes, payable on demand, or at any less time than Six Months, during the continuance of the privileges granted to the Bank of England.]	
	12 - -	11 § 23. 24. 25.		
	15 Geo. 2.	13 § 3. 4. 5.		
	4 Geo. 3.	25 § 12. 13. 14.		
	21 - -	60 § 11. 12.		
	39, 40 -	28 § 14. 15.		
	56 - -	96.		
	7 Geo. 4.	46.		
	3, 4 W. IV.	98.		
	4, 5 W. IV.	80.		
4. ROYAL FAMILY.	18 Geo. 3. and <i>see</i>	31.	For enabling his Majesty to settle on their Royal Highnesses the Princes [Frederick Bishop of Osnaburgh, (1)] [William Henry, (2)] [Edward, (3)] Ernest Augustus, Augustus Frederick, and Adolphus Frederick, an Annuity of Sixty thousand Pounds per annum; (4) and also to settle on their Royal Highnesses the Princesses [Charlotte Augusta Matilda, (5)] Augusta Sophia, Elizabeth, Mary, and Sophia, one other Annuity of Thirty thousand Pounds per annum; and also to settle on his Highness Prince William Frederick, one other Annuity of Eight thousand Pounds per annum; (6) and on her Highness the Princess Sophia Matilda, one other Annuity of Four thousand Pounds per annum.	The respective Lives of the Grantees.
	46 - -	145.		
	47 - -	39. st. 1. ]		
	52 - -	57.		
	1 Geo. 4.	108.		
	1 Will. IV.	25.		
	Sess. 2.	§ 9. 11.		
			N. B.—By 39 Geo. 3. c. 30. his Majesty was enabled to settle on her Royal Highness Princess Amelia, part of the said Annuity of £.30,000.—The Princess died 2d Nov. 1810. By 52 Geo. 3. c. 57. the annuity to the Princesses is increased to £.36,000.	
			(1) Prince Frederick Duke of York, deceased 5 January 1827.	
			(2) His late Majesty King William IV.; this had ceased; ( <i>see stat. 1 Will. IV. st. 2. c. 25. § 9.</i> )	
			(3) Prince Edward, Duke of Kent, deceased 23 January 1820.	
			(4) This Annuity of £.60,000 was, by § 2 of 1 Geo. 4. c. 108, charged on the Consolidated Fund during the life of his Majesty King George IV.; and by stat. 1 Will. IV. st. 2. c. 25. § 11, the Annuities of £.15,000 each, payable to the three Princes (the Dukes of Cumberland, Sussex, and Cambridge), are charged on that Fund, during their respective lives.	
			[For further Grants, <i>see post</i> , N° 9, 13, 14, 15, 17, 20, 36, 37.]	
			(5) Princess Charlotte Augusta Matilda, Queen of Wirtemburgh, deceased 6 Oct. 1828.	
			(6) Prince William Frederick, Duke of Gloucester, deceased 30 Nov. 1834.	

(A.) ACTS OF THE ENGLISH AND BRITISH PARLIAMENTS—*continued.*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.*</i>	<i>Title of the Act.</i>	<i>Duration.</i>
5. ANNUITIES.	29 Geo. 3. amended 30 - -	41. 45.		For raising a certain sum of Money, by way of Annuities, to be attended with the benefit of survivorship, in classes.  [By the Act 30 Geo. 3. these Annuities are converted into annuities for 69 years and $\frac{1}{4}$ from 10th October 1790.]	5 January 1860
6. EAST INDIA COMPANY. (Friendly Ships.)	37 Geo. 3.	117.	19 July 1797.	* The Date of passing appears on the face of all British Acts passed after 8th April 1793, in pursuance of the directions in the British Act 33 Geo. 3. c. 13.— But it does not appear on the Irish Acts, as printed, until 39 Geo. 3. though the Regulation of the British Act 33 Geo. 3. c. 13, was enacted in Ireland by 35 Geo. 3. (L) c. 12.  For regulating the Trade to be carried on with the British Possessions in India, by the ships of Nations in amity with His Majesty.	Continuance of the East India Company's Trade & Territorial Rights. (See N° 2.)

(B.) ACTS OF THE IRISH PARLIAMENT,  
PASSED BEFORE THE UNION OF GREAT BRITAIN AND IRELAND,  
(Amended by Acts of the Parliament of the United Kingdom.)

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
7. BANK of IRELAND.	21,22Geo.3. 31 - - 37 - - 48 - - 1,2Geo.4. 3 Geo. 4. 1 Vict.	16. amended by 22. 50. Acts of the United Parliament. 103. 72. 26. 59.	For establishing a Bank, by the name of The Governor and Company of the Bank of Ireland.  By 3 Geo. 4. c. 26. the Loan of £. 1,250,000 from the Bank to Government under the Act 48 Geo. 3. c. 103. was to be repaid on - - - - -  And the rate of Interest thereon was reduced to 4 per cent. See post, N° 22, 68.  By 1 Vict. c. 59, this payment is postponed until -	After 1 January 1837 on previous Notice to the Bank, and Redemption by Government.  1 January 1838  1 January 1839

## (C.) ACTS OF THE UNITED PARLIAMENT;

SUBSEQUENT TO 1<sup>ST</sup> JANUARY 1801:

THE COMMENCEMENT OF

THE UNION OF GREAT BRITAIN AND IRELAND.

Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
8. ANNUITIES.	43 Geo. 3.	67.	24 June 1803.	For raising the sum of Twelve Millions, by way of Annuities.	56 Years and 9 Months from 5 April 1803; i. e. 5 January 1860
9. ROYAL FAMILY.	46 Geo. 3. amended 47 (st. 1.)	145. 39.	22 July 1806. 9 April 1807.	For enabling his Majesty to settle Annuities on certain Branches of the Royal Family. <sup>1</sup> <sup>1</sup> Viz. Dukes of [Clarence, <sup>2</sup> ] [Kent, <sup>3</sup> ] Cumberland, Sussex, and Cambridge, [Princess Charlotte of Wales, <sup>4</sup> ] [Duchess Dowager of Gloucester, <sup>5</sup> ] [Duke of Gloucester, <sup>6</sup> ] and Princess Sophia of Gloucester. <sup>2</sup> His late Majesty King William IV. This had ceased: see 1 Will. IV. st. 2. c. 25. § 9. <sup>3</sup> Expired, as to these Grantees, by their decease. <sup>4</sup> <sup>5</sup> <sup>6</sup>	During the Lives of the Grantees.
10. ARMS; IRELAND.	47 Geo. 3. (st. 2.) continued & amended 50 Geo. 3.   109. continued 53 Geo. 3.   78. revived & continued 57 Geo. 3.   21. 1 Geo. 4.   47. continued 4 Geo. 4.   14. continued & amended 10 Geo. 4.   47. revived & continued 1, 2 Will. IV.   47. continued 2, 3 Will. IV.   70, § 1. 4, 5 Will. IV.   53, § 1. 6, 7 Will. IV.   39, § 1.	54.  13 Aug. 1807.	13 Aug. 1807.  28 July 1836.	To prevent improper persons from having Arms in Ireland.  The last Act continued the first and its amending Acts until 28 July 1837, and the End of the then next Session.	END of this PRESENT SESSION.
11. PORTUGUESE DOMINIONS, (Trade with.)	51 Geo. 3.	47.	31 May 1811.	For carrying into effect the Provisions of a Treaty of Amity, Commerce, and Navigation, concluded between his Majesty and his Royal Highness the Prince Regent of Portugal. And see § 8 of 59 Geo. 3. 54. post, N° 19.	Continuance of the Treaty (dated 19 Feb. 1810) with Portugal.

ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>						
(C.)	Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
CREDITORS: (Scotland.)	12.	54 Geo. 3. continued	137.	25 July 1814.	For rendering the Payment of Creditors more equal and expeditious in Scotland.	1 May and END of then
		3 Geo. 4.	29.		The last Act continues the first until	NEXT SESSION.
		4 Geo. 4.	8.			
		6 Geo. 4.	11.			
		7, 8 Geo. 4.	11.			
		10 Geo. 4.	11.			
		1 Will. IV. st. 2.	16.			
		2 Will. IV.	35.			
		4, 5 Will. IV.	74.			
		6, 7 Will. IV.	90.			
ROYAL FAMILY.	13.	56 Geo. 3.	24.	11 April 1816.	For better enabling his Majesty to make provision for the Establishment of [her Royal Highness the Princess Charlotte Augusta, and'] his Serene Highness Leopold George Frederick Duke of Saxe, Margrave of Meissen, Landgrave of Thuringen, Prince of Cobburgh of Saalfield.	Life of Prince Leopold.
					* Expired, as to the Princess, by her decease in 1817.	
ROYAL FAMILY.	14.	58 Geo. 3.	24.	8 May 1818.	For enabling his Majesty [to make further Provision for his Royal Highness the Duke of Cambridge; and'] to settle an Annuity on the Princess of Hesse, in case she shall survive his said Royal Highness*.	* The Princess's Life.
					* As to the Duke, see now 1 Geo. 4. c. 108. post, N° 20.	
ROYAL FAMILY.	15.	58 Geo. 3.	25.	8 May 1818.	For enabling his Majesty to settle an Annuity on her Royal Highness the Duchess of Cumberland, in case of her surviving his Royal Highness the Duke of Cumberland.	Life of the Duchess.
CHURCHES.	16.	58 Geo. 3. amended	45.	30 May 1818.	For building, and promoting the building, of Additional Churches in populous Parishes.	20 July and END of then
		59 Geo. 3.	134.			NEXT SESSION.
		3 Geo. 4.	72.			
		5 Geo. 4. and continued	103.			
		7, 8 Geo. 4. amended	72.			
		1, 2 Will. IV.	38.			
		2, 3 Will. IV. prolonged	61.			
		1 Vict.	75.			

(C.)

ACTS OF THE UNITED PARLIAMENT—*continued*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
17. ROYAL FAMILY.	58 Geo. 3.	53.	30 May 1818.	For enabling his Majesty [to make further Provision for his Royal Highness the Duke of Kent, and <sup>1</sup> ] to settle an Annuity on the Princess of Leiningen, in case she shall survive his said Royal Highness <sup>2</sup> .	The Princess's Life.
				<sup>1</sup> Expired, as to the Duke, by the decease of his Royal Highness.	
18. ASSESSED TAXES, (Great Britain.)	59 Geo. 3. amended 1 Geo. 4.   73. continued & amended 1, 2 Geo. 4.   113. amended 3 Geo. 4.   50. 4 Geo. 4.   11 § 3, &c. 45. 5 Geo. 4.   44. continued & amended 7 Geo. 4.   22. 10 Geo. 4.   21. 1 Will. IV.   35. 1, 2 Will. IV.   7. 2, 3 Will. IV.   113. continued 3, 4 Will. IV.   34. continued & amended 4, 5 Will. IV.   54. 60.	51.	2 July 1819.	To relieve persons compounding for their Assessed Taxes from an Annual Assessment, [for the term of three years.]	
				The Act 4 Geo. 4. c. 11. repeals one Moiety of the amount of certain of these Taxes, and the Whole of others.	
				The Act 1 Will. IV. c. 35. repeals the Duty on Sons of Employers under 21; and on certain Horses and Carriages.	
			13 Aug. 1834.	By § 1. (and see § 5) of 4, 5 Will. IV. c. 54. Assessments for the year ending 5 April 1835 shall remain at the same amount (if compounded for under that Act) for 5 years, i.e. until - - - - -	5 April 1840
				The Act 4, 5 Will. IV. c. 60. is "For amending the Laws relating to the Land and Assessed Taxes; and to consolidate the Boards of Stamps and Taxes."	
	5, 6 Will. IV.	20.	30 July 1835.	The Act 5, 6 Will. IV. c. 20. is "To consolidate certain Offices in the Collection of the Revenues of Stamps and Taxes, and to amend the Laws relating thereto."	
		64.	9 Sept. 1835.	The Act 5, 6 Will. IV. c. 64. is "To alter certain Duties of Stamps and Assessed Taxes; and to regulate the Collection thereof."	

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
19. AMERICAN AND PORTUGAL TRADE.	59 Geo. 3.	54.	2 July 1819.	To carry into effect a Convention of Commerce, concluded between his Majesty and the United States of America, and a Treaty with the Prince Regent of Portugal.  As to Portugal trade, see also <i>ante</i> , N° 11; and see § 12. of 59 Geo. 3. c. 54. as to similar treaties with other Powers, and <i>post</i> , N° 26, as to American Trade; and 2, 3 Will. IV. c. 84. § 62-64, as to future Treaties with Foreign Powers.	[Duration of the Convention with America, dated 20th October 1818.]
20. ROYAL FAMILY.	1 Geo. 4.	108.	24 July 1820.	For enabling His Majesty to settle Annuities upon certain Branches of the Royal Family, in lieu of Annuities which have ceased upon the demise of his late Majesty.  ¹ § 1. As to Annuities under this Act to Dukes of [York, <sup>2</sup> ] [Clarence <sup>3</sup> ] and Cambridge, Princesses Augusta-Sophia, Hesse-Homburg, [Elizabeth,] Duchess of Gloucester [Mary,] and Princess Sophia. ² Expired by H. R. Highness's death, 5 Jan. 1827. ³ His late Majesty King William IV. This has ceased; see 1 Will. IV. st. 2. c. 25. § 9.	<sup>1</sup> Lives of the several surviving Grantees.
21. INSOLVENT DEBTORS, (Ireland.)	1, 2 Geo. 4. 3 Geo. 4. 7, 8 Geo. 4. 10 Geo. 4. 1 Will. IV. 2 Will. IV. 4, 5 Will. IV. 6 Will. IV.	59. amended 124. continued 22. continued & amended 36. continued 33. 38. amended 31 § 22 continued 56. 23.	23 June 1821. 21 June 1836.	For the relief of Insolvent Debtors in Ireland.	21 June and END of then NEXT SESSION.
22. BANK of IRELAND.	1, 2 Geo. 4. see 1 Vict.	72. * 59.	2 July 1821. 15 July 1837.	To establish an agreement with the Governor and Company of the Bank of Ireland, for advancing the sum of £. 500,000 (I. C.) and to enable the said Governor and Company to enlarge the Capital Stock or Fund of the said Bank to £. 3,000,000.  By 1 Vict. c. 59, the time of repayment to the Bank by Government is postponed until -	1 January 1839

(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
23. HIGHLAND ROADS and BRIDGES, (Scotland.)	4 Geo. 4. amended 5 Geo. 4.	56. 38.	8 July 1823. 17 May 1824.	For maintaining in repair the Military and Parliamentary Roads and Bridges in the Highlands of Scotland; and also certain Ferry Piers and Shipping Quays erected by the Commissioners for Highland Roads and Bridges.  The Act 5 Geo. 4. also amends 59 Geo. 3. c. 135, a permanent Act for the Repair of other Roads, &c. in Scotland.	8 July and END of then NEXT SESSION. 1844
24. NEW- FOUNDLAND, (Judicature.)	5 Geo. 4. continued 10 Geo. 4. 2, 3 Will. IV.	67. 17. 78. § 1.	17 June 1824. 14 May 1829. 1 Aug. 1832.	For the better administration of Justice in Newfoundland; and for other purposes.	Until repealed, &c. by the Colonial Legislature.
25. NEW- FOUNDLAND, (Marriages.)	5 Geo. 4. continued 10 Geo. 4. 2, 3 Will. IV	68. 17. 78. § 1.	17 June 1824. 14 May 1829. 1 Aug. 1832.	To repeal an Act [57 Geo. 3. c. 51.] to regulate the Celebration of Marriages in Newfoundland; and to make further Provisions for the Celebration of Marriages in the said Colony and its Dependencies.	Until repealed, &c. by the Colonial Legislature.
26. AMERICAN TRADE, &c.	7 Geo. 4.	5.	22 Mar. 1826.	To give effect to Treaties of Commerce with Countries in America not at present provided with National Merchant Shipping.	Seven Years after Date of respective Treaties.
27. INSOLVENTS, (England.)	7 Geo. 4. continued & amended 1 Will. IV. 2 Will. IV. 6, 7 Will. IV.	57. (see § 91) 38. 44. 44.	26 May 1826.    28 July 1836.	To amend and consolidate the Laws for the Relief of Insolvent Debtors in England.	END of this present SESSION.
28. INSOLVENTS, EAST INDIES.	9 Geo. 4. continued 2 Will. IV. amended 4, 5 Will. IV. continued 6, 7 Will. IV.	73. 43. 79. 47.	19 July 1828. 1 June 1832. 14 Aug. 1834. 28 July 1836.	To provide for the Relief of Insolvent Debtors in the East Indies; until - - -	1 March and END of then NEXT SESSION. 1839

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>						
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.	
29. NEW SOUTH WALES, &c.	9 Geo. 4. continued 6, 7 Will. IV.	83. 46.	25 July 1828. 28 July 1836.	To provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relating thereto.	31 December and END of then NEXT SESSION.	1838
30. CANADA, Welland Canal.	9 Geo. 4.	91.	25 July 1828.	To authorize the advance of a certain Sum out of the Consolidated Fund, for the completion of the Welland Canal Navigation in Upper Canada.  (To be repaid in 10 Years.)	25 July	1838
31. AUSTRALIA, NEW HOLLAND.	10 Geo. 4. continued 5, 6 Will. IV. 6, 7 Will. IV.	22. 14. 68.	14 May 1829. 3 July 1835. 13 Aug. 1836.	To provide for the Government of His Majesty's Settlements in Western Australia, on the Western Coast of New Holland.	31 December and END of then NEXT SESSION.	1838
32. FRIENDLY SOCIETIES.	10 Geo. 4. amended. 2 Will. IV. 4, 5 Will. IV. 5, 6 Will. IV.	56. * 37. 40 23.	19 June 1823. 23 May 1832. 30 July 1834. 21 Aug. 1835.	To consolidate and amend the Laws relating to Friendly Societies.  * § 40, of 10 Geo. 4. c. 56. as to continuance of former Acts, and Societies established under them, was prolonged by § 1. of 2 Will. IV. c. 37. until 29 September 1834; and by § 14 of 4, 5 Will. IV. c. 40, is further prolonged until they shall conform to the Act 10 Geo. 4. as amended by 4, 5 Will. IV. c. 40.  The Act 5, 6 Will. IV. c. 23. is for the establishment of Loan Societies in England and Wales; and to extend the provisions of the Friendly Societies Acts to the Islands of Guernsey, Jersey and Man.  See also 6, 7 Will. IV. c. 32. as to Benefit Building Societies.	Until conformity with 10 Geo. 4. cc. 56, &c.	
33. ANNUITIES.	11 Geo. 4.	13.	3 May 1830.	For transferring certain Annuities of £.4 per cent. per annum into Annuities of £.3. 10s. or £.5 per cent. per annum.  § 1. The New £.3. 10s. per cents per annum are not redeemable until after - - - § 2. The New £.5 per cents after - - -	5 January 5 January	1840 1873
34. NOVA SCOTIA (Canal.)	1 Will. IV.	34.	16 July 1830.	To authorize the advance of a certain Sum out of the Consolidated Fund for the completion of the Shubenacadie Canal in Nova Scotia.  § 1. To be repaid in 10 years - - -	16 July	1840

(C)

ACTS OF THE UNITED PARLIAMENT—*continued.*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
35. ARMS, Importation, &c. (Ireland.)	1 Will. IV. continued 2, 3 Will. IV. 4, 5 Will. IV. 6, 7 Will. IV.	44. 70. 53. 39.	16 July 1830. 1 August 1832. 13 Aug. 1834. 28 July 1836. § 2.	To regulate the Importation of Arms, Gunpowder and Ammunition into Ire- land; and the making, removing, sell- ing and keeping of Arms, Gunpowder and Ammunition in Ireland.	END of this PRESENT SESSION.
36. ROYAL FAMILY. THE QUEEN DOWAGER.	1, 2 Will. IV.	11.	2 Aug. 1831.	For enabling His Majesty to make pro- vision for supporting the Royal Dign- ity of The Queen in case she shall survive His Majesty.	Life of HER MAJESTY the QUEEN DOWAGER.
37. ROYAL FAMILY. DUCHESS OF KENT.	1, 2 Will. IV.	20.	6 Sept. 1831.	To enable His Majesty to grant an annual Sum to Her Royal Highness Victoria Maria Louisa, Duchess of Kent, for a more adequate Provision for her Royal Highness; [and for the hon- ourable Support and Education of Her Royal Highness the Princess Alexandrina Victoria of Kent.]  As to £. 4,000 - - - - -  As to £. 6,000, Life of the Princess, now QUEEN VICTORIA.  See Act of present Session.	Life of the DUCHESS of KENT.
38. PUBLIC WORKS, (Ireland.)	1, 2 Will. IV. amended 4, 5 Will. IV. 1 Vict.	33. 91. 21.	15 Oct. 1831. 15 Aug. 1834. 30 June 1837.	For the Extension and Promotion of Public Works in Ireland.  See § 97 of 1, 2 Will. IV. c. 33. As to deter- mination or suspension of the powers of the Act under orders of the Treasury.  § 4. of the Act 4, 5 Will. IV. c. 91. relating to the Repair of Roads, on the application of the Postmaster General.	
39. LINEN and HEMPEN MANU- FACTURES, (Ireland.)	2, 3 Will. IV. See 5, 6 Will. IV.	77. 27.	1 Aug. 1832. 21 Aug. 1835.	For the better Regulation of the Linen and Hempen Manufactures of Ireland.  The Act 5, 6 Will. IV. c. 27, is intituled, “ An Act to continue and amend certain Regulations for the Linen and Hempen Manufactures in Ireland.” It appears rather to supersede than to continue the Act 2, 3 Will. IV. c. 77.  See §§ 15 & 38, as to the continuance of Committees appointed under 2, 3 Will. IV. c. 77, after the end of the Session, until re- moved by the Lord Lieutenant of Ireland.  The term of duration applies only to the last Act. See § 38 of that Act.	END of this PRESENT SESSION.

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
40. INSANE PERSONS.	2, 3 Will. IV. amended 3, 4 Will. IV. continued 5, 6 Will. IV.	107. 64. 22.	11 Aug. 1832. 28 Aug. 1833. 21 Aug. 1835.	For regulating (for Three Years, and from thence until the End of the then next Session of Parliament) the Care and Treatment of Insane Persons in England.	END of this PRESENT SESSION.
41. PARTY PROCESSIONS (Ireland.)	2, 3 Will. IV.	118.	16 Aug. 1832.	To restrain, for Five Years, in certain cases, Party Processions in Ireland. <i>See § 4.</i>	END of this PRESENT SESSION.
42. POLICE OFFICES.	3, 4 Will. IV. continued 1 Vict.	19. 37.	18 June 1833. 12 July 1837.	For the more effectual Administration of Justice, in the office of a Justice of the Peace in the several Police Offices established in the Metropolis, and for the more effectual prevention of Depredations on the River Thames and its vicinity, for three years.  § 29 of 3, 4 Will. IV. c. 19, as to Bear-baiting, is repealed by § 1 of 5, 6 Will. IV. c. 59 (a permanent Act; § 3 of which makes other provisions.)	1 July and END of then NEXT SESSION.
43. POOR Scotch and Irish Removal.	3, 4 Will. IV. continued and amended 7 Will. IV.	40. 10.	14 Aug. 1833. 21 April 1837.	To repeal certain Acts relating to the Removal of poor Persons born in Scotland and Ireland, and chargeable to parishes in England, and to make other Provisions in lieu thereof, until 1st May 1836, and end of the then next Session of Parliament.	1 May and END of then NEXT SESSION.
44. LAW Amendment.	3, 4 Will. IV.	42.	14 Aug. 1833.	For the further Amendment of the Law and the better Advancement of Justice.  § 3. Limitation of certain Actions to be brought after the end of the Session 3, 4 Will. IV.	Ten Years, i. e. 29 August
45. SLAVERY, Abolition.	3, 4 Will. IV. amended 5, 6 Will. IV. 6 Will. IV. 6, 7 Will. IV.	73. 45. 5. 82.	28 Aug. 1833. 31 Aug. 1835. 18 Mar. 1836. 17 Aug. 1836.	For the Abolition of Slavery throughout the British Colonies; for promoting the industry of the manumitted Slaves, and for compensating the Persons hitherto entitled to the services of such Slaves.  § 5 of 3, 4 Will. IV. c. 73, directs that Apprenticeship of Prædial Labourers shall not continue beyond - - - - - § 6. Of Non-prædial, not beyond - - -  See § 65 as to time of operation or ceasing of the Act in the Colonies of the Cape of Good Hope and the Mauritius.	1 August 1 August

(C.)

ACTS OF THE UNITED PARLIAMENT—*continued.*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
46. <b>EAST INDIA Company and Territories.</b>	3, 4 Will. IV.	85.	28 Aug. 1833.	For effecting an Arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories, till - - - § 12. Dividend shall be subject to Redemption by Parliament (on 12 months' notice) upon and at any time after - - - § 13. If the Company be deprived of the Government of India on or after 30th April 1854, they may demand Redemption of the Dividend. <i>See</i> 5, 6 Will. IV. c. 6, indemnifying the Governor-General, &c. for certain Acts done between 22 April 1834, and 1 January 1835. <i>See also</i> 5, 6 Will. IV. c. 52, as to the Government of Agra. <i>See also</i> 1 Vict. c. 47, as to payment of Salaries to Officers during their absence from their Stations; and also c. 70, as to the nomination of Candidates for the College at Haileybury.	30 April 30 April	1854 1874
47. <b>POOR LAW Commissioners.</b>	4, 5 Will. IV. amended 6, 7 Will. IV.	76. 107.	14 Aug. 1834. 20 Aug. 1836.	For the Amendment and better Administration of the Laws relating to the Poor in England and Wales. § 10. Power of the Commissioners, and of appointing them. § 17. Rules in force shall be laid before Parliament within One Week after the commencement of every Session. The Act 6, 7 Will. IV. extends the period for the repayment of Loans, from 10 years to 20.	14 August And END of then NEXT SESSION.	1839
48. <b>SOUTHERN AUSTRALIA.</b>	4, 5 Will. IV.	95.	15 Aug. 1834.	To empower His Majesty to erect Southern Australia into a British Province or Provinces; and to provide for the Colonization and Government thereof. § 25. If after 10 years from the passing of the Act the Population shall be less than 20,000 natural-born Subjects, Public Lands then unsold may be disposed of by the Crown.	15 August	1844
49. <b>SOAP, Allowance of Duty on.</b>	5, 6 Will. IV.	15.	21 July 1835.	To continue the Allowances of the Duty of Excise on Soap used in certain Manufactures until - - -	31 May And END of then NEXT SESSION.	1838

(C.)

ACTS OF THE UNITED PARLIAMENT—*continued.*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>
50. ECCLESIASTICAL DIGNITIES, (E. & W.)	5, 6 Will. IV. continued 6, 7 Will. IV.	30. 67.	21 Aug. 1835. 13 Aug. 1836.	For protecting the Revenues of Vacant Ecclesiastical Dignities, Prebends, Canonries and Benefices without cure of Souls; and for preventing the lapse thereof during the pending Inquiries respecting the State of the Established Church in England and Wales. <i>See § 2 of 6, 7 Will. IV. c. 67, (post No. 57) respecting a Provision in the Act 5, 6 Will. IV. c. 30.</i>	13 August 1837 and END of any session then existing. (No session was then existing.)
51. ROAD Presentments and Contracts, (I.)	5, 6 Will. IV.	31.	21 Aug. 1835.	To give effect and validity to certain Contracts and Presentments for Repairing and keeping in Repair certain Public Roads in Ireland, and the Sureties entered into for the Execution thereof.	As Contracts, &c. for One Year.
52. PEACE PRESERVATION, (I.)	5, 6 Will. IV.	48.	31 Aug. 1835.	For the better Prevention and more speedy Punishment of Offences endangering the public Peace in Ireland. For Five Years, § 17 - - - - -	31 August 1840
53. SLAVERY Abolition, (Jamaica.)	6 Will. IV.	16.	7 June 1836.	To revive and continue in force an Act of the Legislature of Jamaica, to explain and amend an Act for the Abolition of Slavery in that Island, and in Aid of the same recited Act, continued until - - - - -	1 August 1840
54. DURHAM County Palatine.	6 Will. IV.	19.	21 June 1836.	For separating the Palatine Jurisdiction of the County Palatine of Durham from the Bishoprick of Durham. § 10. The Bishop of Durham shall hold the Bishoprick subject to any Provisions to be made within 3 years, i. e. before - - -	21 June 1839

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
55. TURNPIKE, &c. ACTS (Ireland.)	6, 7 Will. IV.	40.	28 July 1836.	To continue the several Acts for regulating the Turnpike Roads in Ireland until - - - - -	END of this PRESENT SESSION.
56. EXCISE DUTIES, Papers, &c.	6, 7 Will. IV.	52.	13 Aug. 1836.	To repeal the Duties and Drawbacks of Excise on Paper printed, painted or stained in the United Kingdom; and to reduce the Allowances and Drawbacks on Paper, Button-board, Mill-board, Paste-board and Scale-board, made in the United Kingdom, of the First Class; and to discontinue the Excise Survey on the manufacturers of certain Articles made from Paper; and on Dealers in and Retailers of Vinegar:  § 17 as to Exemption from Duty, and Regulations of Excise of Williams's Artificial Skins, until - - - - -	10 October 1838
57. ECCLESIASTICAL DIGNITIES and OFFICES, (E. & W.)	6, 7 Will. IV. continued 1 Vict.	67. 71.	13 Aug. 1836. 15 July 1837.	For suspending, for One Year, Appointments to certain Dignities and Offices in Cathedral and Collegiate Churches and to Sinecure Rectories.  <i>See ante</i> , No. 50.	13 August and END of ANY SESSION then existing. 1838
58. BISHOPRICKS, Revenues and Patronage, (E. & W.)	6, 7 Will. IV. 1 Vict.	77. 71.	13 Aug. 1836. 15 July 1837.	For carrying into effect the Reports of the Commissioners appointed to consider the State of the Established Church in England and Wales, with Reference to Ecclesiastical Duties and Revenues, so far as they relate to Episcopal Dioceses, Revenues and Patronage.  By § 20 of 6, 7 Will. IV. c. 77, that Act, nor any Order in Council under it, shall not affect the Jurisdiction of any of the Ecclesiastical Courts, for One Year; extended by 1 Vict., c. 71, until - - - - -	1 August and END of ANY SESSION then existing. 1838

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
59. COMMISSIONERS of LAND REVENUES, &c.	6, 7 Will. IV.	91.	17 Aug. 1836.	To enable the Commissioners of His Majesty's Woods, Forests, Land Revenues, Works and Buildings, to make and maintain a Road from the Church in the Parish of Sunk Island, to the Town of Ottringham, in the East Riding of the County of York.  § 9. Time for purchasing of Property limited to two years after passing the Act, except with consent of the owners.  The Act is in force for 31 years, i. e. until - - -	17 August 1838 17 August 1867 and END of the NEXT SESSION.
60. TITHE COMPOSITIONS, (I.)	6, 7 Will. IV. revived and continued 1 Vict.	95. 58.	19 Aug. 1836. 15 July 1837.	To suspend Proceedings for recovering Payment of the Money advanced under the Acts for establishing Tithe Compositions in Ireland, until - - -	6 April 1838
61. STANNARY COURTS, (Cornwall.)	6, 7 Will. IV.	106.	20 Aug. 1836.	To make Provision for the better and more expeditious Administration of Justice in the Stannaries of Cornwall; and for the enlarging the Jurisdiction and improving the Practice and Proceedings in the Courts of the said Stannaries.  § 23. Appointment of Registrar.	During the continuance in Office of the present Lord Warden.
62. MUTINY ACT (Army.)	7 Will. IV.	7.	21 April 1837.	For punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.  Continuance: In Great Britain - - - - - - Ireland, Jersey, &c. - - - - - - Gibraltar, the Mediterranean, Spain and Portugal - - - - - - Elsewhere in Europe, and in the West Indies and America - - - - - - Cape of Good Hope, Isle of France, St. Helena, and West Coast of Africa - - - - - - Elsewhere - - -  See § 79 of the Act, and the proviso at the end thereof, as to commencement of the Act in Foreign Parts, by promulgation in General Orders.	25 April 1838 1 May 1838 1 August 1838 1 Sept. 1839 1 January 1840 1 February 1840

(C.) ACTS OF THE UNITED PARLIAMENT—continued.					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
63. MUTINY ACT, (Marine Forces.)	7 Will. IV.	8.	21 April 1837.	For the regulation of His Majesty's Royal Marine Forces while on shore.  Continuance : In Great Britain - - - - - - - - Ireland, Jersey, &c. - - - - - - - - Gibraltar, Spain and Portugal - - - - - - - - Elsewhere in Europe, and the West Indies, North America, and Cape of Good Hope - - - - - - - - Elsewhere - - - -	25 April 1 May 25 July 25 Sept. 25 Nov.
64. INDEMNITY OFFICES, &c.	7 Will. IV.	12.	8 June 1837.	To indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and for extending the Time limited for those purposes respectively, until - - - - -  The other provisions of the Act as to Affidavits of Attorneys' Clerks Expired on the 1st day of Hilary Term, 1838.	25 March
65. TURNPIKE ROADS, (G. B.)	1 Vict.	18.	30 June 1837.	For continuing the several Acts for regulating the Turnpike Roads in Great Britain which will expire with the present or the next Session of Parliament, until - - - - -  Or if Parliament shall be then sitting, until the end of the then Session of Parliament. (See § 1.)	1 June
66. MILITIA BALLOT SUSPENSION.	1 Vict.	52.	15 July 1837.	To suspend to the End of the next Session of Parliament, the making of Lists, and the Ballots and Enrolments for the Militia of the United Kingdom	END of this PRESENT SESSION.
67. ANNUAL DUTIES, Sugar.	1 Vict.	27.	3 July, 1837.	For granting to Her Majesty until the 5th day of July 1838, certain Duties on Sugar imported into the United Kingdom, for the Service of the year 1837 - - - - -  By § 2 of the Act 6, 7 Will. IV. c. 26, the Bounties on refined Sugars granted by 3, 4 Will. IV. c. 58. § 2. were continued during the continuance of the Duties on Sugar imposed by the Act 6, 7 Will. IV., or as to be continued by any future Act. See 1 Vict., c. 57, as to Duties on Sugar made from Beet Root in the United Kingdom.	5 July

(C.) ACTS OF THE UNITED PARLIAMENT— <i>continued.</i>					
Matter.	Date.	Ch.	When passed.	Title of the Act.	Duration.
68. BANK of IRELAND.	1 Vict.	59.	15 July 1837.	To postpone the Repayment of certain Sums advanced by the Bank of Ireland for the Public Service, until - - -	1 January 1839
69. SLAVE TRADE TREATIES.	1 Vict.	62.	15 July 1837.	To authorize Her Majesty to carry into immediate execution, by Orders in Council, any Treaties, Conventions or Stipulations made with any Foreign Power or State, for the Suppression of the Slave Trade, until - - -	6 Months after the commencement of this session, i. e. 15 May 1838.
70. MILITIA, (G. B. & I.)	1 Vict.	63.	15 July 1837.	To defray the Charge of the Pay, Clothing, and Contingent and other Expenses of the Disembodied Militia in Great Britain and Ireland; and to grant Allowances in certain cases to Subaltern Officers, Adjutants, Pay-masters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia, from the 30th of June 1837,—[see § 34 of the Act] until - - - -	1 July 1838
71. LORDS JUSTICES on Demise of the QUEEN.	1 Vict.	72.	15 July 1837.	To provide for the Appointment of Lords Justices, in the case of the next Successor to the Crown being out of the Realm at the time of the Demise of Her Majesty.  ( <sup>1</sup> ) Or until such Successor shall otherwise determine the authority of such Lords Justices.	Until the arrival of such Successor. ( <sup>1</sup> )
72. CORPORA- TIONS, (I.)	1 Vict.	74.	17 July 1837.	To restrain the Alienation of Corporate Property in certain Towns in Ireland.  Certain Contracts prohibited to be made, until	1 September 1838

(C.)

ACTS OF THE UNITED PARLIAMENT—*continued.*

<i>Matter.</i>	<i>Date.</i>	<i>Ch.</i>	<i>When passed.</i>	<i>Title of the Act.</i>	<i>Duration.</i>	
73. <b>USURY.</b>	1 Vict.	80.	17 July 1837.	To exempt certain Bills of Exchange and Promissory Notes from the operation of the Laws relating to Usury, until -	1 January	1840
74. <b>CORPORA- TIONS, (E. &amp; W.)</b>	1 Vict.	81.	17 July 1837.	To provide for the levying of Rates in Boroughs and Towns having Municipal Corporations in England and Wales.  § 2. Empowering Boroughs to levy a Rate under 6 Will. IV. c. 76, until Six Months after passing the Act.	17 January	1838

## II.

## EXPIRED LAWS;

VIZ:

BETWEEN 31 JANUARY 1837 AND 15 NOVEMBER 1837.

<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Time of Expiration.</i>	
1. U. K.	King WILLIAM IV. (Civil List, &c.)	1 Will. IV. s. 2, c. 25.	- - - - -	Demise of the Crown. 20 June.	1837
2. U. K.	DUCHY of CORNWALL.	1, 2 Will. IV. c. 5.	- - - - -	Demise of the Crown, 20 June.	1837
3. U. K.	PRINCESS VICTORIA.	1, 2 Will. IV. c. 20.	- - - - -	Her Accession as Queen, 20 June.	1837
4. I.	EXCHEQUER OFFICES.	6, 7 Will. IV.. c. 83,	- - - - -	14 March	1837
5. E.	REGISTERS of Births, Deaths and Marriages.	7 Will. IV. c. 1. § 1. § 2.	- - - - -	16 March 31 October	1837 1837
6. E.	HIGHWAY RATES.	6, 7 Will. IV. c. 63.	- - - - -	19 March	1837

II.—EXPIRED LAWS; *viz.* Between 31 January 1837 and 15 November 1837—continued.

<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Time of Expiration.</i>	
7. U. K.	SUPPLIES, Application of.	6, 7 Will. IV. c. 1.	See 7 Will. IV. c. 17.	5 April	1837
8. U. K.	ROYAL FAMILY REGENCY.	1 Will. IV. s. 2, c. 2.	- - - - -	24 May	1837
9. U. K.	ROYAL FAMILY.	6 Geo. IV. c. 71. (Prince George of Cumberland.)	- - - - -	27 May	1837
10. I.	PRESENTMENTS.	7 Will. IV. c. 2.	- - - - -	End of Spring Assizes.	1837
11. U. K.	BEER. (Hereditary Duties.)	1 Will. IV. c. 51.	- - - - -	20 June; Demise of King WILLIAM IV.	1837
12. E.	MILITIA. (Allowances.)	39, 40 Geo. III. c. 44.	See New General Militia Act, 1 Vict. c. 63.	30 June	1837
13. E. & W.	CHARITIES.	5, 6 Will. IV. c. 71.	7 Will. IV. c. 4.	1 July	1837
14. U. K.	SLAVE-TRADE.	6, 7 Will. IV. c. 81.	- - - - -	31 July	1837
15. U. K.	LAW AMENDMENT.	3, 4 Will. IV. c. 42, § 3.	- - - - -	29 August	1837
16. U. K.	PARLIAMENT VOTERS.	6, 7 Will. IV. c. 101.	- - - - -	1 November	1837

**III.****EXPIRING LAWS;****VIZ:**

AT THE END OF THE PRESENT SESSION:

Or after 31st January 1838, and on or before 1st August 1839, &amp;c.\*

## ACTS EXPIRING AT THE END OF THE PRESENT SESSION, 1 VICT.

<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>N<sup>o</sup> in Register.</i>
I.	ARMS, (Possession or Importation of)	47 Geo. 3. c. 54. 1 Will. IV. c. 44.	6, 7 Will. IV. c. 39, § 1. 6, 7 Will. IV. c. 39, § 2.	10. 35.
E.	INSOLVENTS.	7 Geo. IV. c. 57. 1 Will. IV. c. 38.	2 Will. IV. c. 44. 6, 7 Will. IV. c. 44.	27.
I.	LINEN AND HEMPEN Manufactures.	2, 3 Will. IV. c. 77.	5, 6 Will. IV. c. 27.	39.
E.	INSANE PERSONS.	2, 3 Will. IV. c. 107. 3, 4 Will. IV. c. 64.	5, 6 Will. IV. c. 22.	40.
I.	PARTY PROCESSIONS.	2, 3 Will. IV. c. 118.	- - - - -	41.
E. & W.	ECCLESIASTICAL DIGNITIES.	5, 6 Will. IV. c. 30.	6, 7 Will. IV. c. 67.	50.
I.	TURNPIKES.	6, 7 Will. IV. c. 40.	- - - - -	55.
U. K.	MILITIA BALLOT, (Suspension.)	1 Vict. c. 52.	- - - - -	68.

\* *N. B.*—" &c." after any Date in the following List, signifies—*to the End of the Session* which will commence next after the Date specified. In one or two cases it refers to some period of the existing Session.

## ACTS EXPIRING after 31st January 1838, and on or before 1st August 1839, &amp;c.

<i>Period of Duration.</i>	<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Nº in Register.</i>
1838:					
25 March - -	U. K.	Indemnity Offices -	7 Will. IV. c. 12. -	- - - - -	64.
6 April - -	I.	Tithe Compositions -	6, 7 Will. IV. c. 95.	1 Vict. c. 58. - -	60.
25 April - -	U. K.	Mutiny Acts - -	7 Will. IV. cc. 7, 8.	- - - - -	62, 63
1 May, &c. -	S.	Creditors - -	54 Geo. III. c. 137	1 Vict. c. 40. - -	12.
15 May - -	U. K.	Slave Trade Treaties	1 Vict. c. 62. - -	- - - - -	69.
31 May, &c. -	{ G. B. & I. }	Soap (Allowance of Duty) - -	5, 6 Will. IV. c. 15.	- - - - -	49.
1 July - -	{ G. B. & I. }	Militia Pay, &c. (and Allowances) - -	1 Vict. c. 63. - -	- - - - -	71.
1 July, &c. -	E.	Police Offices -	3, 4 Will. IV. c. 19.	1 Vict. c. 37. - -	42.
5 July - -	E. { Annual Duties; Sugar, &c. - -}		1 Vict. c. 27. - -	- - - - -	67.
25 July - -	U. K. { Canada (Welland Canal) - -}		9 Geo. IV. c. 91. -	- - - - -	30.
1 August -	U. K. Slavery (Abolition) -	{ 3, 4 Will. IV. c. 73. } { § 6. - - - - - }	- - - - -	-	45.
1 August, &c. -	{ E. & W. } Bishops' Revenues -	6, 7. Will. IV. c. 77.	1 Vict. c. 71. - -	-	58.
13 August, &c. -	{ E. & W. } Church Dignities and Offices - -	6, 7 Will. IV. c. 67. -	1 Vict. c. 71. - -	-	57.
16 August, &c. -	I.	Party Processions -	2, 3 Will. IV. c. 118.	- - - - -	41.
17 August -	E.	Land Revenues, &c. -	{ 6, 7 Will. IV. c. 91. } { § 9. - - - - - }	- - - - -	59.
29 August - -	U. K.	Law Amendment -	{ 3, 4 Will. IV. c. 42. } { § 3. - - - - - }	- - - - -	44.

## ACTS EXPIRING after 31st January 1838, and on or before 1st August 1839, &amp;c.—continued.

<i>Period of Duration.</i>	<i>Extending to</i>	<i>Subject.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>N<sup>o</sup>. in Register.</i>
1838:					
1 September -	I.	Corporations - - -	1 Vict. c. 74 - - - - -	- - - - -	72.
10 October -	U. K.	{ Paper, &c. (Excise Duties) - - - }	6, 7 Will. IV. c. 52. } § 17. - - - }	- - - - -	56.
31 December -	U. K.	New South Wales - - -	9 Geo. IV. c. 83. - - -	6, 7 Will. IV. c. 46.	29.
31 December, &c. - - -	U. K.	{ Australia (New Holland) - - - }	10 Geo. IV. c. 22.	6, 7 Will. IV. c. 68.	31.
1839:					
1 January -	I.	Bank of Ireland - - -	{ 21, 22 Geo. III. c. 16. } (Irish Act) 1, 2 Geo. IV. c. 72.	1 Vict. c. 59. - - -	7.
1 March, &c. -	E. Ind.	Insolvents - - -	9 Geo. IV. c. 73. - - -	6, 7 Will. IV. c. 47.	48.
1 May, &c. -	S. & I.	Poor Removal - - -	3, 4 Will. IV. c. 40.	7 Will. IV. c. 10. - - -	43.
31 May, &c. -	G. B. & I.	{ Soap; Allowance of Duties - - - }	5, 6 Will. IV. c. 15.	- - - - -	49.
1 June - - -	G. B.	Turnpikes - - -	1 Vict. c. 18. - - - - -	- - - - -	65.
21 June - - -	E.	{ Durham (County Palatine) - - - }	6 Will. IV. c. 19. - - -	- - - - -	54.
21 June, &c. -	I.	Insolvent Debtors - - -	1, 2 Geo. IV. c. 59.	6 Will. IV. c. 23. - - -	21.

## IV.

### LIST OF LAWS,

WHEREOF

THE DURATION DEPENDS ON PUBLIC CONTINGENCIES.

<i>Extending to</i>	<i>Matter.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Duration.</i>	<i>N<sup>o</sup> in Register,</i>
1. U.K.	LORDS JUSTICES, on Demise of the Queen.	1 Vict. c. 72.	- - - - -	Arrival of the Successor.	70.
2. U. K.	THE QUEEN Dowager.	1,2 Will. IV. c. 11.	- - - - -	Life of the Queen Dowager.	36.
3. G. B.	ROYAL FAMILY.	18 Geo. III. c. 31. 46 Geo. III. c. 145. 47 Geo. III. st. 1. e. 39. 52 Geo. III. c. 57. 56 Geo. III. c. 24. 58 Geo. III. cc. 24. 25. 53.  1 Geo. IV. c. 108. § 1.  1,2 Will. IV. c. 20.	- - - - - - - - - - - - - - -	Lives of Grantees;  Lives of Grantees -  Life of the Duchess of Kent.	4. 9. 13. 14. 15. 17. 20.  21.  37.
4. E.	BANK of England.	5, 6 W. & M. c. 20. § 20. 8, 9 Will. III. c. 20. § 26-28 - - - 9, 10 Will. III. c. 44. § 75.  6 Anne, c. 22. § 9. 7 Anne, c. 7. § 5, 6, 7, 61. - - -  12 Anne, c. 11. § 23-25. 15 Geo. II. c. 13. § 3, 5. 4 Geo. III. c. 25. § 12-14. 21 Geo. III. c. 60. § 11, 12. 39, 40 Geo. III. c. 28. § 14, 15 - - - 7 Geo. IV. c. 46. -	10 Geo. IV. c. 31. § 24.	Until Redemption of Bank Annuities.  Expiration of One Year's Notice within Six Months after 1 August 1844.	1.  3.

## IV. ACTS whereof the Duration depends on PUBLIC CONTINGENCIES—continued.

<i>Extending to</i>	<i>Matter.</i>	<i>Original Acts.</i>	<i>Last continuing Acts.</i>	<i>Duration.</i>	<i>No. in Register.</i>
7. I.	BANK of Ireland.	{ 21, 22 Geo. III. (I.) c. 16. 48 Geo. III. c. 103. 3 Geo. IV. c. 26.  { 48 Geo. III. c. 103. 1, 2 Geo. IV. c. 72. 3 Geo. IV. c. 26. 1 Vict. c. 59. -	{ - - - - - { - - - - -	{ Expiration of 12 Months' Notice after 1 January 1837.  { 1 January 1839, Time of Repayment.	7. 22.
8. E.	EAST INDIA COMPANY.	{ 9, 10 W. III. c. 44, &c. 37 Geo. III. c. 117. -	{ 53 Geo. III. c. 155. § 3.	Expiration of three Years' Notice to be given after 10 April 1831.	2. 6.
9. U. K.	PORtUGUESE DOMINIONS; Trade with.	{ 51 Geo. III. c. 47. - 59 Geo. III. c. 54. § 8.	{ - - - - -	Continuance of Treaty with Portugal.	11. 19.
10. U. K.	AMERICAN Trade, &c.	{ 59 Geo. III. c. 54. 7 Geo. IV. c. 5.	{ - - - - - { - - - - -	{ Continuance of Treaties.  Seven Years after date of Treaties.	19. 26.
11. U. K.	BOUNTIES and ALLOWANCES of Customs.	3, 4 Will. IV. c. 58. (A permanent Act.)	- - - - -	Continuance of Duties of Customs.	
12. I.	PUBLIC WORKS.	1, 2 Will. IV. c. 33. (See § 97. 103.)	{ - - - - -	Orders of the Treasury.	38.
13. U. K.	NEWFOUND- LAND.	5 Geo. IV. cc. 67, 68.	10 Geo. IV. c. 17. 2, 3 Will. IV. c. 78.	Until Repealed by Colonial Legislature.	24. 25.
14. E.	FRIENDLY SOCIETIES.	{ 10 Geo. IV. c. 56. 2 Will. IV. c. 37. 4, 5 Will. IV. c. 40. 6, 7 Will. IV. c. 32, § 4.	{ - - - - -	Continuance of former Acts, until conformity with 10 Geo. IV.	32.
15. E.	STANNARY COURTS.	6, 7 Will. IV. c. 106. § 23.	- - - - -	Continuance in Office of the present Lord Warden.	61.

**I N D E X**

OF THE SUBJECT-MATTER OF THE ACTS CONTAINED IN

THIS REPORT.

N.B.—The FIGURES refer to the Number in the Register of TEMPORARY LAWS;  
Except when *Exp.* is inserted, which refers to the List of EXPIRED LAWS.

The \* signifies that the Act relates *exclusively* to Ireland.

A.	Nº in Register.		Nº in Register.
<b>A</b> MERICAN TRADE, &c. - - -	19, 26.	<b>C</b> anada, (Welland Canal) - - -	30.
Annual Duties, (Sugar) - - -	67.	and <i>see</i> Nova Scotia.	
Annuities, Public - - -	5, 8, 33.	Charities - - - - -	<i>Exp.</i>
and <i>see</i> Royal Family.		Churches - - - - -	16.
* Arms, Possession of - - -	10.	Civil List - - - - -	<i>Exp.</i> 1.
* — Importation of - - -	35.	Cornwall Duchy - - - - -	<i>Exp.</i>
Assessed Taxes:		Corporations (E. & W.) - - -	74.
— Composition - - -	18.	— (I.) - - - - -	72.
Augusta Sophia (Princess); <i>See</i> Royal Family.		Creditors, (Scotland) - - -	12.
Australia (Western) - - -	31.	Cumberland, (Duke and Duchess); <i>See</i> Royal Family.	
— (Southern) - - -	48.	<b>D.</b>	
<b>B.</b>		Debtors, Insolvent - - -	*21, 27, 28.
Bank of England - - -	1, 3.	Demise of the Queen - - -	70.
* — of Ireland - - -	7, 22, 68.	Dignities and Offices Ecclesiastical -	57, 58.
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Bishopricks (Revenues) - - -	58.	Durham, County Palatine - - -	54.
Bounties; ( <i>See</i> List IV. No. 11.)		<b>E.</b>	
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<b>C.</b>		— (Friendly Ships) - - -	6.
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		Elizabeth, (Princess); - - -	4. 20.
		<i>See</i> Royal Family.	
		Employments:— <i>See</i> Offices.	
		Episcopal Dioceses - - -	58.
		*Exchequer Offices - - -	<i>Exp.</i> 4.
		Excise Duties (Paper) - - -	56.

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G.		Lace ;— <i>See Silk Manufactures.</i>	
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<i>See Royal Family.</i>		Leopold, Prince ;—( <i>See Royal Family.</i> )	13.
* Gunpowder - - - - -	35.	* Linen and Hempen Manufactures -	39.
H.		Lunatics - - - - -	40.
* Hempen Manufactures ;— <i>See Linen.</i>		M.	
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R E P O R T

FROM THE

C O M M I T T E E

UPON

**EXPIRED AND EXPIRING LAWS.**

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*Ordered, by The House of Commons, to be Printed,  
9 February 1838.*

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# R E P O R T

FROM THE

## SELECT COMMITTEE

ON THE

# H I G H W A Y S     A C T;

TOGETHER WITH THE

## MINUTES OF EVIDENCE,

AND APPENDIX.

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*Ordered, by The House of Commons, to be Printed,  
11 June 1838.*

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[*Price 8 d.*]

*Martis, 28<sup>o</sup> die Novembris, 1837.*

*Ordered, THAT* a Select Committee be appointed to inquire into the Operation of an Act passed in the Fifth and Sixth years of the Reign of his late Majesty, relating to Highways in that part of Great Britain called England.

And a Committee was appointed of—

Mr. Barneby.  
Mr. Shaw Lefevre.  
Lord Viscount Lowther.  
Sir Robert Price.  
Sir Eardley Wilmot.  
Lord Worsley.  
Lord Viscount Clive.  
Sir George Strickland.

Mr. Bethell.  
Mr. Handley.  
Mr. Stanley (Cumberland).  
Mr. Edward Buller.  
Lord Eliot.  
Mr. Bowes.  
Mr. Tatton Egerton.

*Ordered, THAT* the Committee have power to send for Persons, Papers, and Records.

*Ordered, THAT* Five be the Quorum of the Committee.

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*Mercurii, 28<sup>o</sup> die Martii, 1838.*

*Ordered, THAT* Sir Eardley Wilmot be discharged from further attendance, and that Mr. Pakington be added to the Committee.

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## R E P O R T.

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THE SELECT COMMITTEE appointed to inquire into the Operations of an Act passed in the Fifth and Sixth years of the Reign of his late Majesty relating to HIGHWAYS in that part of Great Britain called *England*, and who were empowered to report their Opinion, together with the MINUTES OF EVIDENCE taken before them;—HAVE considered the matters to them referred, and have agreed to the following REPORT:—

IT appears to your Committee that they will best discharge their duties by endeavouring to direct the attention of Parliament to the Clauses in the present Act relating to Highways which seem to them to be defective, and to require alteration; and at the same time to suggest to The House such alterations and additional provisions as the Committee consider expedient to be embodied in a Bill to amend the Laws relating to Highways in England and Wales.

Your Committee are of opinion,

1st. That as very few Parishes have availed themselves of the power given by the sections (13, 14, & 15) relating to the voluntary formation of Parishes into Districts for the repair of the Highways, by making application to the Justices at Sessions for such purposes, it is very desirable that the management of the Highways should be placed under a regular system, and that the surveyors to whom such an important duty is entrusted should be, under certain restrictions, permanent officers, as your Committee feel assured that, under such a system, the Roads would be kept in good order at a much less expense. To carry out this recommendation, Your Committee suggest that the formation of Parishes into Districts should be compulsory, and, having taken into consideration the mode in which such Districts should be formed, they have come to the conclusion that they should be co-extensive with the Districts already formed, or which may hereafter be formed, under the directions of the Poor Law Commissioners, whereby much trouble and delay would be saved. Your Committee also recommend that the Board of Guardians, appointed under the Poor Law Unions, should constitute the Board to direct the repairs of the Highways, inasmuch as, under the Board of Guardians, there already exists an Establishment of skilful and responsible paid Officers, who act as Clerks, Auditors, and Treasurers, which, at a very trifling increase of expense, if any, could be made applicable to carry into effect the improvements recommended by your Committee, provided that the Guardians elected for places which have local Acts for the repair of the Highways, or which may adopt certain provisions for repairing Highways in populous Parishes, shall not form part of such Board.

In support of these suggestions, your Committee beg leave to refer to the Evidence of Mr. Chadwick, the Secretary to the Poor Law Commissioners, on this subject.

463.

a 2

2d. That

2d. That in the section (18) relating to the appointment of a Board for the repair of Highways in large Parishes, there is a reasonable doubt whether a Board, once formed under the provisions of that section, would not cease to exist at the expiration of one year, which could not have been the original intention of the Legislature. They therefore recommend that such Board should continue for three years, and for such further time until two-thirds of the votes of persons assembled at a vestry meeting called for that purpose shall determine that the same should be dissolved ; but that one-third of the persons forming such Board should be annually elected during the continuance of the Board.

3d. That in the sections (44 & 45) relating to the passing the yearly accounts of the Surveyors at Special Sessions, and to the holding of such Sessions, difficulties might arise as to the time when the Surveyor's accounts ought to be laid before the vestry, and as to the time when they should be submitted to the Justices at Special Sessions ; and no mode is pointed out for giving publicity to the days on which such Special Sessions should be holden. It appears to the Committee that these difficulties should be obviated, and as much important business may be transacted at such Special Sessions, that a proper public notice of the time of holding such Sessions should be given. Your Committee therefore recommend that the accounts of each parochial Surveyor should be submitted to a vestry meeting, within 14 days after the 25th of March in each year, and that the same be laid before the Magistrates at the Special Sessions which may be next holden after such vestry meeting ; and that the Justices do appoint their Special Session for the following year at the Special Session next preceding the 25th day of March, and that notice of the same be sent by the clerk of the Justices to the Churchwardens of each Parish within his division.

4th. That in the section (74) relating to the impounding cattle which may be straying on the Highways in certain cases, and the payment of penalties and charges incurred thereby, the power of impounding such cattle, which is confined to the Surveyor, or some person authorized by him, is insufficient ; and that it should be extended to the occupiers of the next adjoining lands, and that the charges and expenses attending the impounding the cattle might be settled by One Justice instead of Two, as required by the Act, in consequence of the difficulty in many parts of the country of obtaining the sanction of Two Justices residing within a reasonable distance ; and that this section is further defective, as in many parishes where there is no pound, the penalties, which are only to be imposed after the cattle have been impounded, could never be enforced ; they therefore propose to empower the Surveyor or the occupier of the next adjoining land, in all cases, to cause the owner of the cattle to be summoned before a Justice, who may fine the owner any sum not exceeding 1 s. per head, in addition to the expenses of the proceedings.

5th. That in the sections (94 & 95) relating to the mode of proceeding before Justices, in case the Highway should be out of repair, unnecessary delay might be occasioned by the necessity of summoning the Surveyor before Justices in Special Sessions assembled, who cannot finally determine the cause of complaint until the following Special Sessions.

Another objection arises when the obligation to repair is disputed, in which case the Justices are prohibited from making any order, but they are required to direct a Bill of Indictment to be preferred at the next Assizes or

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Quarter Sessions, when, if the bill should be ignored, the question of liability to repair cannot be tried; it appears to your Committee that the Act is defective in not pointing out upon whom this order is to be made, and in taking away from the Magistrates the power to decide upon the question of want of repair in such cases. Your Committee therefore propose that it shall be sufficient if the Surveyor be first summoned before Justices at Petty Sessions, who may appoint some competent person to report upon the state of repair at the next Special Sessions, and may thereupon make such order as may be necessary, provided that the Surveyor, in case he disputes the liability to repair, may serve the Churchwarden of the Parish in which the road lies with a copy of the order, and a notice requiring him to call a meeting of the inhabitants to determine whether an appeal shall or shall not be made against such order, on the ground of non-liability to repair; and in case of such an appeal, the Justices of Quarter Sessions shall impanel a jury to try the question of liability. As your Committee are aware that important questions of law may arise in such cases, they recommend that a power should be given to remove such order into the Court of Queen's Bench.

6th. That the provisions in the Parochial Assessment Act, which are now only applicable to the Rates levied for the use of the Poor, should be extended to the Rates levied for the repair of the Highways.

7th. That the section (35) authorizing the Rate-payers, upon certain conditions, to divide amongst themselves the conveyance of Materials for the repair of the Highways within their respective Parishes, shall be entirely repealed, as it is very difficult for the Justices to fix the charge for the carriage of materials in the manner prescribed by this section, and because it is desirable that the surveyor should have the opportunity of employing those persons who will undertake to convey them at the cheapest rate; and it is presumed that the farmers resident within the Parish will be able to convey them at a less cost than any other person.

8th. That the section (110) relating to the amount of fees payable to Clerks of the Peace and Clerks to Justices, should also be entirely repealed, as they consider that the List of Fees contained in it is very defective, and that the same should be provided for in the Tables of Fees which are now made by the Justices at Quarter Sessions, and afterwards submitted to the consideration of the Judges of Assize.

9th. That the inhabitants of extra-parochial places should be made liable to the repair of the Highways situated therein, in like manner as the inhabitants of other Parishes or Districts.

The Committee conclude their Report by stating to The House that, being fully aware of the difficulty in amending the present Act relating to Highways, without causing inconvenience to the Persons intrusted with carrying the same into execution, they recommend that a Bill should be submitted to the consideration of Parliament, to repeal the present Act, re-enacting such clauses of the same which have not appeared to the Committee to be objectionable, and to include such alterations and additional provisions as are here suggested.

11 June 1838.

PROCEEDINGS OF THE COMMITTEE.

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*Jovis, 6° die Decembris, 1837.*

**Mr. BARNEBY** in the Chair.

Mr. Tatton Egerton.	Mr. Shaw Lefevre.
Mr. Handley.	Mr. Bethell.
Lord Clive.	Mr. Stanley.
Lord Worsley.	

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*Jovis, 15° die Februarii, 1838.*

**Mr. BARNEBY** in the Chair.

Lord Eliot.	Mr. Shaw Lefevre.
Mr. Tatton Egerton.	Sir George Strickland.
Mr. Bethell.	Sir Robert Price.
Mr. Stanley.	

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*Jovis, 22° die Februarii, 1838.*

**Mr. BARNEBY** in the Chair.

Mr. Shaw Lefevre.	Sir George Strickland.
Mr. Tatton Egerton.	Lord Eliot.
Mr. Bethell.	Sir Robert Price.
Mr. Handley.	Lord Worsley.
Mr. Edward Buller.	Lord Clive.
Lord Lowther.	

*Resolved*, That it is expedient that parishes, townships, and extra-parochial places, should be united in districts, for the repair of highways throughout England and Wales.

Motion made and Question proposed by **Mr. Handley**,

That a clause be inserted in the Bill for the amendment of the Highway Act, to compel the formation of such districts.

Question put—Committee divided.

Ayes, 8.

Mr. Shaw Lefevre.  
Mr. Handley.  
Mr. Edward Buller.  
Lord Eliot.  
Sir Robert Price.  
Lord Worsley.  
Lord Clive.  
Lord Lowther.

Noes, 3.

Mr. Egerton.  
Mr. Bethell.  
Sir George Strickland.

*Mercurii, 7° die Martii, 1838.*

**Mr. BARNEBY** in the Chair.

Mr. Edward Buller.	Mr. Tatton Egerton.
Mr. Bethell.	Mr. Stanley (Cumberland).
Lord Eliot.	Mr. Bowes.
Mr. Shaw Lefevre.	Lord Worsley.
Sir George Strickland.	

Motion made and Question proposed,  
 That the districts be co-extensive with the Poor Law Unions.  
 Question put—Committee divided.

Ayes, 8.

Mr. Edward Buller.  
 Mr. Bethell.  
 Lord Eliot.  
 Sir George Strickland.  
 Mr. Bowes.  
 Lord Worsley.  
 Mr. Shaw Lefevre.  
 Mr. Handley.

Noes, 2.

Mr. Tatton Egerton.  
 Mr. Stanley (Cumberland).

*Lunæ, 14° die Maii, 1838.*

Mr. BARNEBY in the Chair.

Mr. Shaw Lefevre.  
 Lord Eliot.  
 Sir George Strickland.

Mr. Edward Buller.  
 Mr. Pakington.  
 Sir Robert Price.

*Veneris, 18° die Maii, 1838.*

Mr. BARNEBY in the Chair.

Mr. Edward Buller.  
 Mr. Bethell.

Sir Robert Price.  
 Lord Eliot.

*Luna, 11° die Junii, 1838.*

Mr. BARNEBY in the Chair.

Lord Worsley.  
 Mr. Shaw Lefevre.  
 Mr. Pakington.

Lord Eliot.  
 Mr. Bethell.

LIST OF WITNESSES.

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Edwin Chadwick, Esq. - - - - - p. 11

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Mr. James Dean - - - - - p. 30

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## MINUTES OF EVIDENCE.

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*Veneris, 2<sup>o</sup> die Martii, 1838.*

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MEMBERS PRESENT.

Mr. John Barneby.  
Mr. Bethell.  
Mr. E. Buller.

Lord Eliot.  
Mr. Handley.

JOHN BARNEBY, Esq., IN THE CHAIR.

*John Tidd Pratt, Esq., called in; and Examined.*

1. *Chairman.]* I BELIEVE you were entrusted with the power of drawing up the Highway Act passed in the 5th & 6th of William 4?—Yes.

2. There were many alterations made in that Act, during its progress through the House of Commons, and many alterations afterwards took place in the House of Lords?—Yes.

3. You also attended before the House of Lords, I believe?—Yes.

4. Therefore all the clauses were drawn up under your superintendence?—Yes.

5. This Committee being appointed to take into their consideration the operation of that Act, have done so, and it appears to them some alteration is necessary; we therefore wish to have your opinion upon such points as are submitted to you, and I think the first point is respecting the extra-parochial places; will you have the goodness to inform the Committee whether there are any provisions for extra-parochial places in the Act I have referred to?—No; I do not conceive there are any provisions here, and my own opinion is, that it was not considered necessary, on the ground, that in extra-parochial places every individual whom the property belonged to would be bound, *ratione tenuræ*, to repair it.

6. But was it not one of the objects of that Act to remove the power of indicting, or rather to reduce the number of them?—No doubt about it.

7. Then a person residing in an extra-parochial place, who is bound to repair the road, is liable to indictment?—No doubt about it.

8. Would it not be desirable to insert some clause so as to give power to magistrates to summon persons in extra-parochial places, similar to the power now given to the surveyor of highways?—No doubt about it.

9. *Mr. Handley.]* Is Mr. Tidd Pratt aware of the decision of Lord Chief Justice Tindal upon that point, that there was no power to compel the repairs of an extra-parochial highway?—No, I am not; but I should say, without being aware of that opinion, there is not, except by way of indictment, as I mentioned before, against every individual owner of the property who would be liable, *ratione tenuræ*, to repair it.

10. Whether the property of that individual was abutting on that road or not?—No, only where the property abuts upon the road.

11. And if they did not repair it, the consequence by common law is, the man would have a right to go over the part of the property which adjoined the road out of repair?—Yes.

12. I apprehend you would think that would be very little satisfaction, that instead of going over a bad road you might go over a ploughed field?—Certainly.

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*John Tidd Pratt,  
Esq.*

*2 March 1838.*

*John Tidd Pratt,  
Esq.*

2 March 1838.

13. Are you aware that in many parts of the country there are roads set out in original inclosures, not only the lands abutting upon that road are extra-parochial, but the road itself has never been repaired, but left in the state in which it originally was, there being on the other side frequently a common, occupied by no one, and which is to be found in no award?—No, I am not aware of such; in the awards I have seen, I have almost always found provision made for the repair of roads.

14. The case to which I just now alluded was tried at the Lincoln assizes; there was a very considerable tract, not less than two or three miles, in the Fens of Lincolnshire, which had never been awarded; it had been left, time out of mind, for a passage from one part to the other; each extremity was abutted upon by very good roads, but those portions of the road became impassable; it was tried at Lincoln assizes, and the parties were turned round, Lord Chief Justice Tindal saying he knew of no law which could compel the repair of that road?—But was it proved that it was used as a public road?

15. The road was gravelled up to each end of it as far as the parishes extended; that portion had been used from time immemorial, and was the only communication between other important places, and that portion only of the old line of road was not legally liable to repair?—I am perfectly aware extra-parochial places are not included.

16. Do you recollect, in the Committee that formerly sat upon this Bill, that the same remark was made as to extra-parochial lands, and it was over-ruled by the Committee of that day, under the belief that at common law there was a remedy?—Under the belief that at common law there was a remedy by indictment; and I think, perhaps, partly the reason was this, that because under the present law, you will recollect, if the duty or obligation to repair is disputed, you must then go by indictment.

17. On whom could you serve the notice?—Upon the owner of the property.

18. Of the property abutting?—Yes.

19. And upon whom should that notice be served?—Why, when you say notice, I do not conceive notice to repair would be necessary, but that the proper proceeding would be by the party indicting at the session.

20. Supposing the surveyor of the parish adjoining found there was an end to any egress from his parish on account of the bad state of the road, and he was the party naturally called on to take the remedy, if such a remedy was to be had, upon whom would he serve notice of indictment?—Upon the owners of the property.

21. Taking indiscriminately from those abutting upon the road?—Yes.

22. You think that would be a good notice?—He would have to indict the party; there would be no service, but he would indict the party, and the party would have to appear and defend it; there would be no service, there would be no notice necessary to repair.

23. But indictment?—No, nor for indictment; I should go to the sessions and indict him; if the grand jury found a true bill, the clerk would have notice from the court that such indictment had been found, requiring him to put in bail.

24. *Chairman.*] Although no notice is necessary from the person intending to indict, yet after the indictment is found, it is necessary the court should serve a notice on the party indicted?—Yes.

25. *Mr. Handley.*] Then, with the fact of a contrary decision, is it not your opinion it would be desirable to insert a clause in this Bill to make this more clear?—Certainly.

26. *Chairman.*] You are aware that under the Turnpike Acts of the 3 & 4 Geo. 4, power was given to magistrates to summon one of the principal inhabitants of the extra-parochial places to make a return of the proprietors of lands who were either liable to statute duty or to pay compensation in lieu thereof; should not some such clause be inserted in a Bill relating to highways?—Certainly; but I would recommend that the magistrates should have power to interfere, upon the complaint of the surveyor of the adjoining parish, summoning the party in the same way as is provided by the Turnpike Act.

27. As the Committee have come to the resolution, that it is expedient that districts should be formed for the repairs of highways, both for parishes and extra-parochial places, should not some clause be inserted in the Act of Parliament, so that in extra-parochial places the surveyor or guardian should be selected,

selected, similar to the provision of the 6th section of the Highway Act, which relates to places in which there is no church or chapel?—Yes.

28. You have referred to the provisions of the Poor Law Bill, stating that in that Bill extra-parochial places are omitted?—Yes.

29. You are probably aware, that in extra-parochial places there is no power to compel any person to maintain the poor belonging to that extra-parochial place, whereas in extra-parochial places where there is a highway, there is still a power of indicting persons through whose property the highway goes?—Yes.

30. Therefore they are not analogous cases?—No.

31. I wish to inform you that the Committee, at the last meeting, came to these two resolutions: 1st, "That it is expedient that parishes, townships, and extra-parochial places shall be united in districts for the repairs of highways through England and Wales;" 2d, "That a clause be inserted in the Bill for the amendment of the Highway Act to compel the formation of such districts." With this view, will you give your opinion to the Committee whether clauses 6, 7, 8, 9, 10 and 11, and two or three following clauses of the present Highway Act, would not become unnecessary?—I think the 13th is, that parishes may be united for the purpose of forming a district; it appears to me that they will be quite unnecessary.

32. If those clauses were omitted, it would be proper to insert some clause, stating in what manner districts should be formed; would not that be the case?—Certainly. I would propose to alter those clauses which now make it voluntary, which follow afterwards, into compulsory ones, giving power to justices at quarter sessions, that would confine it to parishes within a particular county; for in the Poor-law unions you get into different counties.

33. I believe in the Bill which passed the House of Commons, there was power given to parishes to be united, for the purpose of forming a district under the direction of the Poor Law Commissioners, and with the consent of the majority of the board of guardians?—I think this was altered in Committee; I think that was struck out; that was inserted in the Bill brought in, but I think it was altered in Committee; but I cannot say for certain.

34. As the boards of guardians formed under the Poor Law Commissioners have powers given them in different counties, would it not be difficult to make the districts similar to those, because magistrates, and persons acting as magistrates, would not be able to enforce the law relating to the highways throughout the whole of those districts?—The great difficulty would be, I think, with regard to passing the accounts, and the appeals against the rate, because you might have different decisions in different counties upon the same rate.

35. Are you of opinion that the districts or divisions for the repairs of the highways might be made at the quarter sessions?—Certainly.

36. Mr. E. Buller.] With regard to passing the accounts, would it not be easy to enact, that the account should be passed before the magistrates of that county in which the greater number of parishes so formed into the union should lie?—I am not speaking with regard to passing the accounts, they may be passed at petty sessions.

37. That is your objection, is it not?—That is with respect to appeals; it appears to me that difficulty might arise in regard to appeals against the rate. Guardians might be summoned to attend appeals; supposing the union went into two or three counties, the guardian or the person making the rate might have an appeal against them in each different county.

38. Might you not avoid that by enacting that the appeal should be tried in that county in which the cause of appeal arose?—You will allow me to say, it is not that I think it impossible, but it appears to me that it is expedient you should confine it, because, in case there is any alteration of a union, the whole of the union for the highway rates would be altered.

39. But are you not aware it frequently happens that the inhabitants of parishes in two counties frequent a market-town situate on the borders of the counties?—Yes.

40. That, in fact, that is frequently the situation of a market-town, inasmuch as the river is frequently the boundary of the counties?—Yes.

41. And is it not very convenient that those Boards should meet at the market-town?—Yes.

42. Therefore, provided there were not other objections that are insuperable, there are many advantages that would arise from uniting parishes in the same

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union, situated in different counties?—There is no doubt there would be; I do not say that there are insuperable objections, I am only putting it that it might be rather difficult, and not work so well as if it were left entirely to counties.

43. In your opinion, will it or will it not be desirable to make the unions for the purpose of the management of the highways co-extensive with the Poor-law unions?—For some purposes, I think it would.

44. Would you state what you conceive would be those advantages?—The great advantage I conceive would be, that the highway rate being, in fact, a parochial rate, should be placed under the same jurisdiction as the poor-rates of a parish, that is, under a board of guardians.

45. I understand you to say, that for some purposes you would approve of that arrangement; what are the objections you see to that arrangement?—Why the objections which strike me at this moment, are more the carrying the Act into operation with regard to proceedings before magistrates and at quarter sessions.

46. But would it not be easy to prevent these difficulties by enacting, that whatever causes of appeal, or questions for decision may arise, should be tried in that county where they originate?—Yes, that might be provided for, but a difficulty might then arise in having a different decision take place upon the same point in two different counties.

47. May that not take place now?—No, I think not now; not under the present law.

48. *Chairman.*] Although a contrary decision may take place in two adjoining counties, yet that only affects the parishes in each county?—Yes.

49. But if they were in a union, and one of those parishes may appeal to quarter sessions of one county, and get a decision one way, and another parish in another county should apply to that quarter sessions, and if there should be a contrary decision, would not that be very inconvenient to the working of the law in that district or division?—I think it would.

50. With regard to the passing of the accounts, I think you stated, the principal difficulty in forming unions which would extend into two counties, would be the passing the accounts?—No, I cannot exactly say that as to passing the accounts, because I stated the accounts are passed by the justices of the petty sessions; and, therefore, if you have one surveyor, you must make some provision in the Bill that he should pass them at one petty session for the whole district, because, unless you do that, he would be bound to pass them at the petty session for the division in which the rate was made; and, as I mentioned before, the justices of that petty session might disallow some items which the justices of the petty sessions of the other might not; therefore, that might be got over in a similar way. Section 12 provides, “that when a parish is situate in more than one county, the surveyor to be appointed shall be appointed by the justices at a special sessions for the highway assembled in that county, division, or liberty in which the church of the parish is situated.”

51. *Mr. Buller.*] I do not yet understand what you conceive to be the strongest objection to the adopting the same boundaries as those of the Poor-law union, because they are in different counties; what would be the main objection on account of the unions being partially in two counties?—It appears to me, for the reasons I have stated before, in matters where you must appeal to the court of quarter sessions, you must, unless you provide, which I have never seen any clause providing, that matters in one county at the quarter sessions shall be transacted at the county of another.

52. Nor do I see that it would be necessary to do so; supposing any question arises within those parishes that are within county A., that would be decided in county A.; if they arise in the parish of county B., that would be decided in county B.; if there is any business relating to the whole union, you might easily enact that that business should be transacted before the magistrates of that county in which the town is situate on the borders of?—Yes; but supposing a rate was made by the guardians over the whole union, by the authority of this Act, and an appeal was made against that rate by parish A., situate in one county, and an appeal by the parish B., situate in another county, it might so turn out, that in one county the rate would be disallowed, and in the other allowed.

53. But can you conceive such a case; on what ground could such an appeal be made?—For instance, the amount is fixed in the Act at which the rate may be

be made, except in certain instances, with the consent of the inhabitants; a large sum is authorized to be raised; a question might arise whether the proceedings had been regularly taken so as to get the consent of those persons necessary to have this higher rate made.

54. But these would be distinct questions in each distinct parish, and the decision in one court of quarter sessions would be formed on totally distinct grounds from those of the other?—Not if one rate was made over the whole union.

55. As far as I understand the case you put, the validity of the rate would entirely depend on the matter of fact of the consent of the inhabitants having been obtained?—Yes, if it exceeded a certain amount.

56. It would therefore be a totally distinct question whether the inhabitants of parish A. had consented, or whether the inhabitants of parish B. had consented?—Yes; but I am supposing that one rate is made over the whole union, then the surveyor makes his rate to a certain amount, in order to raise a certain sum of money.

57. *Chairman.*] That is, supposing one rate should be made over the whole union, and not a rate raised in each separate parish?—Yes.

58. Will you give your opinion to the Committee on the following mode of forming districts, viz. that the magistrates of the quarter sessions, which shall be held in next October, or some adjournment thereof, shall divide the counties into districts, and advertise the same in some of the public newspapers; and if any party shall be dissatisfied with such division, giving them power to appeal to the next quarter sessions which shall be holden for that county; what is your opinion of that mode of dividing the counties?—I think that that is a very proper way, but I would add a provision somewhat similar to the provision in the Act of Parliament respecting divisions of counties.

59. The Act to which you refer, I believe, is that relating to magisterial divisions, which formerly prevented magistrates re-dividing the county for 10 years, and by a recent Act they are allowed to divide after three years?—Yes.

60. That you think would be a desirable division?—Yes.

61. Do you think this mode of dividing the counties would be preferable to making the districts co-extensive with the Poor-law unions?—I think it would be preferable; but I feel myself hardly competent to give an opinion whether it is preferable or not; it appears to me, less difficulties would arise in making it co-extensive with counties in making the county division than in making the Poor-law division.

62. Do you not think it would be more satisfactory to parties giving them this power of appeal, than it would be to them if a compulsory enactment was passed, stating that they should be co-extensive with the Poor-law unions now in existence?—That is my own opinion.

63. *Mr. E. Buller.*] Would it not be also necessary to give a power of including the parts of certain counties within certain other counties for the purpose of the management of the highways?—Yes.

64. *Chairman.*] Would it not be desirable that if districts were formed in either of the two ways alluded to, that towns, with a population of 5,000 or more should be excluded from that enactment?—I think towns, with a population exceeding 5,000, should be excluded, provided they have brought themselves under the provisions of the 14th section.

65. Would it not also be desirable to have some clause inserted compelling the dissolution of those parishes which may have been formed under the voluntary system which now exists?—Yes, no doubt about that.

66. There are not very many complaints which could be made against such a clause, because, as far as this Committee are aware, there are not many unions formed under that voluntary system?—I have, of course, had a great deal to do with the Highway Bill; and I do not know one instance in which there is a voluntary union of parishes under the Highway Act.

67. When a Board for the repairs of the highways has been thus formed, do you think it necessary the following officers should be appointed, or that any additional officers should be appointed besides those I name: the first I should name is a surveyor, the next would be a clerk, and the next would be a collector of the rates; do you think it necessary these persons should be added to the Board?—I should say, the clerk and surveyor might be the same person, and perhaps act as treasurer.

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68. You think the clerk might act as treasurer?—I think he might be the same party.

69. Lord *Eliot.*] You are aware in the Turnpike Act that is distinctly prohibited?—Yes; and it is stated in every Act of Parliament that passes, that the clerk and treasurer shall not be the same party.

70. Mr. *Bethell.*] Would it not be necessary to have an auditor to examine the accounts of the clerk and treasurer?—The Board audit their accounts, but an auditor similar to the auditor in the Poor-law Bill would be a great check on the expenditure, no doubt.

71. *Chairman.*] Do you think that a meeting held once a month would be sufficient, with a power of adjournment?—Certainly.

72. Mr. *E. Buller.*] Might you not in the Act of Parliament introduce a clause which shall give the auditor of the Poor-law unions a preference as auditor under the Highway Act, precisely as you do now, giving to the clerk of the board of guardians a preference in respect of registering a district?—It requires something rather different, because you must say what auditors shall have it; because, suppose the justices divide the county, the auditor of one part would be the auditor of another; therefore, I propose that justices of the quarter sessions should appoint the auditor, who should be the auditor of the Poor-law union.

73. Do you not see a strong objection to placing that power in the hands of justices of the quarter sessions, inasmuch as that auditor is an important officer in disposing of county rates, and is not responsible to the contributors of that fund?—You misunderstand me; I say the magistrates at quarter sessions should appoint the auditor, but making it a condition that that auditor should be the auditor of the Poor-law union.

74. Your object would be to meet the case where there are two auditors under the Poor-law Act, who would be each equally competent to undertake the office?—Yes.

75. Therefore you would of course compel the magistrates to elect the auditor of a union which shall be partially within the limits of the district for the maintenance of the highways?—Yes, or leave it to the Highway Board to elect a party, saying what he should be; but if I were to designate the party, I would rather leave it to the magistrates, because my own opinion is, that there would be a great deal less jobbing than among the guardians.

76. Do you not see that, on principle, it is better to place these appointments in the hands of persons who are responsible to the rate-payers; and the board of guardians being a Board elected by the rate-payers, are so responsible, while the magistrates, being appointed by the Crown, are not?—But an objection to that equally strikes me, that if the board of guardians appoint an auditor, to a certain extent he is rather under their thumb; it will not do for him to offend them, because they may turn him out and appoint another.

77. *Chairman.*] Might not that be remedied in this way, that the auditor should not be legally appointed until his appointment has been sanctioned by the justices of the quarter sessions; and that he should not be dismissed, except with the consent of the justices?—Certainly.

78. Mr. *E. Buller.*] Would not every purpose be answered by leaving the appointment of auditor in the hands of the Highway Board, enacting that they shall in all cases appoint an auditor of a union which comprises part of their division, for the purpose of the highway; and that that auditor should cease to be the auditor of the highway when he ceases to be the auditor of the Poor-law union?—Yes.

79. *Chairman.*] As to the formation of the Board for the repair of the highways, what is your opinion as to the mode of election; should it not be in this way, that the parish, in vestry assembled upon some day, at the same time they select overseers, that they should then appoint some person who might attend the board of guardians in behalf of the parish, and that a Board might be formed in that manner?—It appears to me, that, keeping my attention to the fact of the quarter sessions, everything originating with the quarter sessions, I think the magistrates, when they form a union of so many parishes, should themselves fix whether a particular parish should appoint one or more to constitute a Board, and that then that Board should be elected at some particular time, and upon the same principles as the Poor Law Commissioners now fix the number

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of guardians for each parish ; and that Board, so elected, should form a Board for the care and maintenance of the highways in that particular union.

80. And to that Board would you not also add, that the magistrates should be *ex-officio* guardians of that Board who may be resident or acting within that district ?—No, I do not think it should be so ; you will recollect, these magistrates have to pass these accounts ; my opinion is, the magistrates have to pass the accounts, and if you give to this Board the power of making a rate, the magistrates would be the parties who would assist in making the rate, and would be the parties to pass the accounts, as well as to decide on the legality of that rate.

81. That same objection would refer to the Poor-law union, because you are aware that the magistrates are *ex-officio* guardians under the Poor Law Act, and are still now appointed to pass the accounts of the overseers ; is not that the case ?—That is the case ; but the passing of accounts by the magistrates is now merely nominal. If an auditor were appointed as under the Poor Law Act, this objection would not apply.

82. Might not your objection respecting the magistrates passing the accounts be altered in this way, by stating that the auditor should be the person who should pass the accounts, and that it should not be necessary to lay the accounts before the magistrates resident in the district of the petty session or special session ; but if any of the rate-payers were dissatisfied with the accounts passed by the auditor, then they might apply to the court of quarter session ; might not your objection be obviated in that way ?—Yes, excepting the appeal to quarter sessions is a very expensive arrangement.

83. Then your opinion is, that magistrates ought not to be members of this Board unless they are elected by the rate-payers ?—No, unless they are elected by the rate-payers, as long as they pass the accounts of the surveyors.

84. Mr. *E. Buller.*] I think, from what you have before said, I understand you do think it necessary to have at least three officers appointed by the Board of Highways ?—Four.

85. Will you name them ?—I think the first should be a treasurer, a clerk, or collector, and a surveyor.

86. You would think it necessary to have an auditor ?—Certainly an auditor.

87. Do you see any objection to the clerk being the auditor ?—Why, I think he would be auditing his own accounts, in some instances.

88. As clerk he would keep no accounts ?—But the clerk signs the orders as the authority for the treasurer to pay.

89. Mr. *Handley.*] What do you want a clerk for at all ?—You must have a clerk to keep the minutes of the proceedings.

90. Mr. *E. Buller.*] You must have the surveyor, who repairs the roads and lays out the money ; you must have the treasurer, who pays the money, because it is improper that the surveyor himself should pay the money ; the surveyor should merely order the repairs, and draw bills on the treasurer, and then you must have an auditor ?—Yes ; and you must have a collector.

91. But the surveyor ought not to take money in his hands, and pay the money ?—No.

92. He ought to contract with persons for the work, and order the money to be paid ?—Yes.

93. Lord *Eliot.*] Would it not be possible to dispense with the whole of the machinery which you now contemplate, by leaving the management of the roads in the hands of the vestry, as under the present law, merely compelling each individual parish to unite in the selection of the surveyor in whom the expenditure of each, and the management of the roads should be vested ?—I do not think the management of the roads, and the expenditure of the money, would be so well arranged as if the surveyor was under the control of a Board, to be elected from the different parishes forming the union.

94. *Chairman.*] On looking at the 18th clause, which relates to the appointment of a Board, directing repairs in large parishes, I understand there is a doubt in some places whether, after that Board has been elected, it continues for more than one year, unless two-thirds of the parish, assembled in vestry, shall determine that it shall be continued, or rather that it shall be re-elected ; will you give us your opinion whether there is any doubt upon it, and if there is such doubt, whether it should not be so altered as to say that the Board shall continue for a term of three or five years, and until such further time as two-thirds

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of the vestry-meeting shall have determined it shall cease?—My opinion is, the Board, when elected, only continues for one year; but I conceive it would be very desirable that a Board, when so constituted, should continue, at least, for three years; similar to the plan adopted in the Watching and Lighting Act, where, when once elected, they continue for three years.

95. Mr. *E. Buller.*] With or without a power to fill up any vacancy?—With a power for the inhabitants to fill up any vacancies as they may occur.

96. *Chairman.*] Your opinion is, that that Board should exist for the term of three years; but is it also your opinion that the same persons that may have been elected as parties to that Board should continue to exist for that time, or that a certain portion of them should go out, so that there should be an annual election of that portion?—My opinion is, there should be an annual election, but that the same parties should be eligible to be re-elected; that is the case under the Watching and Lighting Act; my opinion is, the Board should at least continue for three years, but that the parties comprising that Board should be elected every year.

97. Lord *Eliot.*] Do I understand you to say, that unless specially elected, the Board should cease at the end of three years?—I mean the persons should cease to be members of the Board every year; there should be annual election every year for the purpose of electing persons to fill up the Board.

98. *Chairman.*] And you think that the Board, when once elected, should continue for three years, but may continue till such time as two-thirds of the parties assembled in the vestry shall say, at the expiration of three years, it shall determine?—No; my opinion is this, that the Board shall exist, but that the parties who constitute that Board should be elected annually.

99. Mr. *E. Buller.*] I think your meaning is, that the Board should be perpetual, but that the representative of each parish should be elected every three years; is it your opinion that the Board should be perpetual?—Until the union is dissolved by the justices of the quarter session.

100. You say it should be a Board annually elected?—Yes.

101. *Chairman.*] Should it cease at the expiration of three years, without any vote of persons assembled in vestry?—I think it should not cease; here it ceases because it is at the option of the parish whether they have it or not. This Board the justices at session will have nothing to do with, therefore, I think there should be a limit; there is no reason why the Board should be made perpetual.

102. Lord *Eliot.*] It would always be in the power of the inhabitants at the end of one or three years to put an end to it, but if there was not a vote of a certain proportion of the electors, the Board would continue?—Yes, I think that should be the case.

103. Then I understand you would place the Board in the same position it now stands, only substituting the term of three years for one year?—Three years at least.

104. Your notion is, that it would be much better to say it should be a perpetual Board, but at the end of one year, or three years, it should be in the power of a certain portion of the electors to put an end to it?—Yes.

105. Mr. *Bethell.*] Do you think it would be better, when the Board is established, that the members should go out by rotation rather than have an entirely new Board; say one-third should go out every year?—That is the case in the Watching and Lighting Act, there is always a power of re-election.

106. Mr. *E. Buller.*] This clause relates to large parishes, which enables them to have a Board of their own; do you think it desirable single parishes should retain this power when you make the alteration you propose with regard to compelling the formation of districts for the repair of the highway?—Why, I think it would be desirable; and I will mention one instance, which is the parish of St. Mary Lambeth, which is a union of itself under the Poor-law; it consists of 80,000 inhabitants; it extends from Westminster Bridge to Croydon, which is eight miles that way.

107. It is not likely the magistrates would wish to incorporate that with any adjoining parish?—No.

108. But cannot you imagine this clause might have a very injurious effect, inasmuch as a large parish might be amongst other smaller parishes, and inasmuch as one of those smaller parishes might determine to maintain its own Board, it might prevent your forming a good union of those small parishes?—It might certainly.

109. I

109. It might occasion in the working of this Act the same inconvenience as Gilbert's Act in the carrying out the poor-law?—Yes; the only remedy for that, perhaps, would be, to require the consent of the justices of the quarter sessions before the parish adopted a Board of this kind.

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110. *Chairman.*] With reference to the 18th clause, by a letter which I hold in my hand, it is suggested power should be given to the Board, formed under the direction of the 18th clause, to make sewers from stables, and cow-houses, and buildings of that kind, and charge one-half for the making of such sewers to the occupiers, and the other half to the owner; do you think such a clause would be advisable to be inserted in this new Bill?—It appears to me that that would rather come within some local Act of Parliament; I do not think it comes within this; it is more within a Paving and Cleansing Act.

111. You are aware of the Parochial Assessment Act, which passed the year before last?—Yes.

112. Which is only applicable to poor-rates?—Yes.

113. Do you think it advisable it should be made applicable to the highway-rates also?—Yes; because it would prevent a great many appeals, which are much better decided at the petty sessions than at the quarter sessions.

114. Will you look at the clause 35, which relates to rate-payers dividing among themselves the conveyance of stone for the repair of highways; is it your opinion that that requires any alteration?—My opinion is, it ought to be expunged altogether.

115. *Mr. Handley.*] Is Mr. Tidd Pratt aware that the County-rate Committee entirely approve of that clause?—No; I am not certain.

116. *Chairman.*] If it should be necessary to retain this clause, should not some alteration similar to the following be made in it; by the present clause, you will see magistrates are to determine the rate per mile, and for more or less than a mile, of the carriage of the materials; could not some alteration to the following effect be made, stating that the magistrates should determine the rate for a quarter of a mile and under half a mile, and so forth, similar to the rate now paid on hackney-coaches?—I am not aware of the rates on hackney-coaches.

117. In the case of districts being formed, will you have the goodness to look to section 44; and, as districts are about to be provided for, would not that require very great alteration?—Yes, no doubt about it; and then I think one very material point for you to decide is, in what way the division or the union is to be formed; that is most material, whether you should decide that the justices shall have it, or the Poor-law union; because in this one we must make some statement that the yearly account should be laid before the justices of some particular division, where the greatest number of parishes are situated, otherwise it will be required to be laid before different counties; but, if it is to be made by justices of a particular county, the justices of that particular county will do.

118. As it is your opinion that a great alteration will be necessary, will you state your opinion whether it would not be better to omit the clause altogether, upon the ground that the account might be passed by the Board, instead of being laid before the magistrates?—I do not exactly see how that can be done; in this clause there is a provision, that if any person chargeable to the rate shall have any complaint, he shall appeal to the justices; as the law now stands, that is an appeal to the justices, of course he could not have that remedy.

119. Then, by your last answer, I presume you think it would not be prudent to omit the clause altogether; but might you not so alter it, as to say they should appeal to the magistrates at that special session which shall be holden next after 25th March, or some specified time?—Yes.

120. *Mr. E. Buller.*] Inasmuch as the Board would be a representative body, would there exist the same necessity for an appeal that there exists now?—I think there would not, provided there was a proper auditor; provided the accounts were passed by a proper auditor.

121. Now it is necessary to give such individual, inasmuch as without that he would have no interest over the expenditure of the money; but, if you constitute a Board, he would have control over the expenditure of the money by his representative?—Certainly.

122. *Lord Eliot.*] And I apprehend, in the clauses we were looking at just now, where a Board is constituted in populous parishes, that there is no right of appeal to magistrates?—Yes; I imagine under the 18th clause, the Board are

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in effect the surveyors ; you will observe there are so many persons to be elected surveyors, and such surveyors or parties constitute the Board for the repairs of the highways, and therefore that Board, being in effect the surveyors of the parish, would have to pass their accounts before the magistrates.

123. And you apprehend practically that is the case?—Yes.

124. Then I am to understand you to say, that, if the accounts of the Board were submitted to a proper auditor, it would not be necessary to give a right of appeal to the justices at special sessions?—Certainly not.

125. Mr. *Bethell.*] Do you think that will apply to the accounts of district surveyors?—The district surveyors will be their officers ; the Board of Highways will be the persons who authorize the expenditure, and then the auditor would audit their accounts.

126. Mr. *E. Buller.*] And any person with a ground of complaint would appear before the Highway Board, and it would be the duty of the auditor to strike out anything improper?—Yes.

127. *Chairman.*] With reference to the clause 45, is there not some doubt about the appointment of a special session, because it states that you are to appoint twelve or eight days for holding a special session, at a special sessions to be held within 14 days after the 20th March; would it not be better to say that the justices should appoint the days for holding those special sessions at the last special session preceding the 25th March?—I think it would.

128. With reference to the clause 53, it is stated that it is necessary to give notice to the owner as well as the occupier of private lands before you can take materials away?—Yes.

129. It has been suggested to this Committee that some difficulties have arisen from that, in consequence of being obliged to serve personal notice on the owner of that land, and, to prevent that, it has been suggested, that a letter by post, sent to him, should be held sufficient notice; will you give your opinion upon that?—My opinion is, that the difficulty would exist. As the law formerly stood, it was only necessary to give notice to the occupier or owner, but in the House of Lords it was altered; they considered it should be the owner and occupier, because a party having a small interest as occupier, might suffer it to be done to the injury of the estate; and, by authorizing the notice to be sent by the post, I do not see anything would be gained by it, because you would have to prove that the place where the letter was sent was the actual residence of a party, before a magistrate could do anything; and I believe a great opinion existed before upon this, I know it did in the House of Lords, whether this clause should not be expunged altogether; why, where you are making the highway-rate, the party should not be allowed to go to the market and buy the materials; let a man go and pay for the materials. I do not think any good would be got by saying it shall be sent by post, because no magistrate could act without first having evidence that the letter was sent, as well as that it was the *bona fide* residence of the owner.

130. Lord *Eliot.*] Would there be any objection to introduce into clause 68 a provision by which the occupier should be called upon to remove and clear away the earth and other substances cleared out of the ditches and gutters, and, in default of his doing so within 48 hours after receiving notice from the surveyor, that the earth so cleared out should become the property of the surveyor, and be removed by him?—There would be no objection to such a provision in my opinion.

131. *Chairman.*] With reference to section 74, which empowers certain persons to impound cattle, it appears it is only the surveyor or some other person authorized by him can impound cattle straying on the highway; would it not be better that any person should be at liberty to seize and impound cattle under such circumstances?—It appears to me that it would be desirable to do so, a similar provision being in the General Turnpike Acts.

132. Mr. *Handley.*] But would not that open a wide door to malicious injuries on the part of the ill-disposed?—No doubt it would.

133. And with reference to highways, in which the detection might be more difficult, would you not think it better that part of the clause should be left just as it is?—Considering that the parish highways are not so public as the turnpike-road, it appears to me that opportunities might and would occur of cattle being let loose for the purpose of impounding them.

134. Mr. *Bethell.*] Are you not aware, that, in various districts of the country, there

there are many miles of road that are not turnpike, and are as public as turnpike-roads?—I really am not.

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135. *Chairman.*] Might you not, to meet the difficulty suggested in the last question, make an alteration to the following effect, by saying that any surveyor or occupier of lands adjoining the said highway, or any other person authorized by them, might seize and impound the cattle so straying?—Yes, I think that would meet the difficulty.

136. And you think such an alteration would be desirable?—Yes, I do.

137. With reference to the manner in which the charge and expense of impounding cattle is to be settled, it appears that two justices of the peace are necessary?—Yes.

138. As two justices are necessary, it is often difficult to find two justices to meet together at any particular time of the week; do you see any objection to having these charges settled by one justice?—Certainly not; and it appears to me to be very advisable it should be so.

139. In fact, in this particular section, where it is required that two justices should be present, you think that one justice would be sufficient?—Certainly; and be for the benefit of the party whose cattle was impounded.

140. Might not also this power be inserted in many cases, where there are not any pounds belonging to parishes, that authority should be given to the surveyor, or to the owner of land, or person authorized by him, to summon the person to whom the cattle straying belongs, and that such justice might inflict some penalty on him for allowing his cattle to be on the road?—Certainly.

141. Should that power be extended to all parishes where there are pounds or not?—Yes.

*Lunx, 5° die Martii, 1838.*

MEMBERS PRESENT.

Mr. Barneby.  
Mr. Bethell.  
Mr. E. Buller.  
Mr. Tatton Egerton.

Lord Eliot.  
Mr. Stanley, (Cumberland).  
Sir G. Strickland.

JOHN BARNEBY, Esq., IN THE CHAIR.

*Edwin Chadwick, Esq., called in; and Examined.*

142. *Chairman.*] I BELIEVE you are Secretary to the Poor Law Commissioners?—Yes.

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143. The Committee are anxious to have your opinion respecting the placing the highways under the jurisdiction of the board of guardians; and the Committee wish you to state your opinion on that subject; but before you do so, I will read to you the resolutions passed by the Committee. The first is, "That it is expedient that parishes, townships, and extra-parochial places, should be united in districts, for the repair of highways, throughout England and Wales." The second is, "That a clause be inserted in the Bill for the Amendment of the Highway Act, to compel the formation of such districts." These are the two resolutions which have been passed; we have met to-day in order that we may determine, if we can, upon the mode in which those districts should be formed?—I beg leave to state to the Committee, as inducements to the answer to this question, that constant complaints are made to the commissioners; the tenor of which, with respect to the misapplication of highway-rates, is, that serious obstacles are created by that misapplication to the full and proper operation of the Poor Law Amendment Act. To exemplify this, I beg leave to read the following extract from a private letter by Mr. Gulson, one of the assistant commissioners.

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Having stated that he had frequently endeavoured to show the necessity of some alteration of the law as regards the highway-rates, he thus proceeds:

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I yesterday met with two flagrant cases, which I think it best to communicate, if indeed any proof or argument still be wanting to convince every one of the necessity of a controlling influence over all parish rates.

I attended the meeting of guardians of Newark Union some time since, to assist in revising the pauper list. In taking the parish of Farndon, two children were on the books as receiving 3*s.* per week; and from the mode in which these children were brought up, the guardians were unanimously (save only the overseer of Farndon) of opinion, that these children ought, if relieved, to come to the union school at the workhouse; this order was consequently made.

I yesterday discovered that the overseer, from indirect motives, has ever since that time been relieving these children out of the highway-rate; and he declares he will continue so to do until the law is such as to prevent him.

The board of guardians were unanimous except this man, that out-door relief should be discontinued; nevertheless this one man, from personal motive, has thus been able to overrule the decision of the board, and the children are to this day relieved us usual.

In the parish of Westborrough (Newark Union), on revising the lists, we found an able-bodied man, residing at Boston, distant 35 miles, who for a long time had been in receipt of 6*s.* per week; living away from home; and having reason to believe that the man was well able, if forced, to maintain his family, the relief was ordered to be discontinued and the workhouse offered; since that time the board has issued an order prohibiting relief to able-bodied men except in the workhouse.

I yesterday discovered that this man was still in receipt of his 6*s.* per week, and that the overseer, from some indirect influence, has to this day continued to pay him, but out of the highway-rate instead of the poor-rate as before.

In another parish of the Newark Union, I yesterday discovered that a friend of certain parties in the parish had been appointed assistant overseer, at 30*l.* per annum, which of course ought to have ceased on the union officers taking to their duties; for in a little agricultural parish there are none other of consequence to perform; but this relinquishing 30*l.* per annum was inconvenient, and the same influence which obtained for him in the first instance 30*l.* a year from the poor-rate, has since the union succeeded in fixing his salary upon the highway or constable-rate.

From time to time there have been complaints of the same tenor with regard to individual cases, and also complaints of the same description with relation to whole classes of cases, always in connexion with the general operation of the Poor Law Amendment Act. Perhaps I may be allowed to give two other instances of the tenor of these complaints: the first is from Mr. Adey; the second is an extract from the report of Mr. Mott. Mr. Adey, on 1st February 1837, writes from Aylesbury about the general state of his district: "I may at the same time add, that although the parochial roads are daily becoming worse, yet there can be no doubt but that as the pecuniary funds applicable to their repair have been so much increased, and have been entrusted to the same administration in fact as the poor-rates under the old law, that they have already been grossly misapplied, and will very shortly be equally injurious to the poor, and seriously counteract the effect of the Poor Law Amendment Act."

Mr. Mott states, in a report on the Suffolk incorporations,—

A practice has arisen in many parishes, and has been carried to such a dangerous and ruinous extent, that, if it is not immediately put a stop to, will lead to inextricable mischief.

I allude to the surveyors'-rates. Knowing the objections that have been made to labour-rates for the employment of the able-bodied poor, and encouraged perhaps by the benefit to be derived from lessening the average by keeping the actual amount of the expenditure of the poor-rate from the corporation books, a custom has prevailed of transferring the charge of maintaining the able-bodied labourer from the poor-rate to the surveyors'-rate. The surveyors'-rate can only be obtained by the parties making affidavit that the money is wanted for repairing the roads, bridges, &c., in the parish; and, after having expended in this way on the poor the utmost amount they can raise (the surveyors'-rate being limited to 2*s.* 6*d.* in the pound per year), the balance is charged to the poor-rate; and it is no uncommon thing to find 40*l.* or 50*l.* in a parish book as balance of surveyors' accounts; and it is only where those amounts are charged that I could detect the practice, for when the amount raised by the surveyors'-rate is sufficient to meet the extra charge for the able bodied labourers, the account does not appear in the books at all.

In one parish I found that several acres of ground had been hired, and a man engaged at a salary of 40*l.* per year to look after the pauper labourers employed by the money raised by the surveyors'-rate. And I have reason to believe, that the amount I have stated, namely 20,288*l.*, falls far short of the actual cost of the poor of the hundred.

I beg

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I beg leave to state to the Committee, that it frequently occurs that where a union has not made the same advances as other unions, where the body of pauperised labourers, called a surplus, have not been absorbed into employment at good wages, it is generally found that the labour-market has been tampered with, and that the allowance system has been maintained by means of the highway-rate. I may adduce, as an example, the case of the Petworth Union, which was brought before the Poor Law Committee, of which the honourable Chairman is a member.

From all the evidence which might be adduced to the Committee on this subject, they would probably come to the conclusion that the highway-rates are at present extensively mal-administered, to the great prejudice of the labouring classes.

It has probably been already submitted to the Committee, that the management of these highways, of this source of labour, does afford to all the employers of labourers, whether owners or occupiers, who are entrusted with the uncontrolled management of it, the opportunity, and therefore the inducement, to tamper with the labour-market. It affords to the few owners and employers, who may have a share in the management, the opportunity of doing this at the expense of other owners, as was the practice with the labour-rates. Now that the operation of the Poor Law Amendment Act has, to the extent of the central control, narrowed the opportunities for thus misusing the poor-rates, and has protected the labour of the workman and the funds of the rate-payers from such abuses, it is to be presumed that the highway-rates and the management of the highways will be more extensively resorted to for the same interested purposes. In point of fact, there have been many complaints, though not stated in the shape of regular reports, but in statements by the assistant commissioners, in their verbal communications, and by chairmen of unions, guardians, and others from various parts of the country, who call at the office, that this evil of the misapplication of the highway-rates, in the shape of relief from a public fund in aid of private wages, is becoming much more extensive.

With regard to the agency by which the evil may be repressed, and good management ensured, I would submit to the Committee that the management by a body for a more extended district than that of the parish would, in proportion to the extent of that district, be less liable to petty abuses in single or separate cases, such as those I have cited; the abuses being more open to observation and repression at a properly constituted board for a large district than at parish vestries. But evidence might, I think, be adduced to convince the Committee, that the larger separate boards are still liable to inducements to considerable misapplication of such rates, to the injury of the labourers. Even in the boards of guardians of the new poor-law unions (which, even if they were left without control, are, I conceive, less disadvantageously constituted in respect to the tendency to such abuse, than any separate local board that is likely to be obtained), the farmers and other employers of particular descriptions of labour being frequently preponderant as guardians, tendencies to act upon their own narrow and immediate interests, and make allowances in aid of wages, and otherwise to tamper with the labour-market, are sometimes manifested; and would, it is to be feared, be widely developed, if the control of the commissioners were removed. It will hereafter be seen that that control is of the greatest value to the labouring classes, as well as to the poorer rate-payers. Under these circumstances, I venture to recommend that the management of the highways should be vested in the boards of guardians in preference to any existing body, or to any representative and unpaid board separately constituted for the purpose; the chief reasons in support of this conclusion being, that in the board of guardians the inducements to an abusive administration of the highway-rates are less strong, and the means of repressing it greater, than in any body likely to be separately constituted; and that the available union establishment of paid officers is more economical for, and not improbably more efficient than any staff which could be separately appointed. A separate board would require a separate set of officers. If those officers are on the whole as efficient as the officers of the new unions, I am apprehensive that the expense of salaries would be serious, and the general expenses of management much greater. With the board of guardians you have the available services of clerks, collectors, treasurers, auditors and relieving officers, whose services might be cheaply obtained to the extent requisite in respect to the highways, and

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obtained without prejudice to their chief duties in the administration of the poor's-rates. The extension of their functions would, at the same time, and with economy to the public, extend the means of obtaining for each district the whole of the services of the paid officers. Increasing experience in the administration of the poor laws, shows the necessity of avoiding the corrupting conflict of the interests of any private pursuit with the duties of the public officers. The commissioners have, for example, increased their preference of the appointment of clerks of boards of guardians who give their whole time to the service of the public. With respect to the present business, and to the facilities which exist in the boards of guardians for the performance of new duties, I may observe that many of them are now in the transition state, that is to say, in the transition from a system of general out-door relief to a system of general in-door relief; but as that transition advances, as the self-acting test of the workhouse is brought into operation, the numbers of paupers will diminish; the occupation of the time of the guardians, which consists chiefly in the examination of claims to out-door relief, will diminish, the skill and trustworthiness of the paid officers will increase, the necessity for such frequent meetings of the boards will diminish; and, if the Act be strengthened and not impaired, it will perhaps be found that meetings once a month, or even at much longer intervals, will suffice for the proper discharge of the guardians' duties.

144. Does that refer to the functions of the guardians under the poor law, or their functions if the highway-rates were put under their management?—I was referring exclusively to the state of business at present. It might at present be fairly objected, with regard to many of the unions, that they are already fully employed; but that full employment I consider to be but temporary, and the expressions of opinions to which I have before referred, of a number of the chairmen and other persons who are practically acquainted with the present and probable business of the boards, that such an addition to the functions of the guardians is highly desirable. I would cite, in support of my conclusion, that even at present it is practicable. If, in any instance, it were not found to be practicable, I would recommend that arrangements should be adopted to make it so. The opinion appears to be gaining ground, that the new unions are the most efficient bodies for the chief objects of local administration. It should be borne in mind, that by the proper performance of the duties in question, in respect to the highways, they could prevent the occupation of their time by the administration of the relief to the pauperism which the mal-administration of the highway laws and the application of the rates is now generating. I would, moreover, submit to the Committee, that the addition in question to the functions of the board of guardians is desirable, not only as regards the proper management of the highways, but as a means of sustaining or increasing the efficiency of the staff of paid officers for the administration of the poor laws. As the poor's-rates are diminished, the proportion of the establishment charges to the sum levied is increased, and the rate-payers begin to complain of the burthen of the expenses of management, though those expenses are frequently less than the expenses of the former rude management by unpaid officers. Now, although one of the best states of things to be expected under poor-law administration is, first, a workhouse without any able-bodied or other inmates than those who are destitute through sickness or decrepitude, cases against which no ordinary prudence or means of insurance could provide, and which must be provided for; and secondly, an out-door relief list, free from all permanent and other cases than cases of sudden or dangerous emergency which cannot be immediately taken into the workhouse; and although the officers who have freed a district from pauperism, and by restoring the labourers to independence have reduced their offices nearly to a sinecure, would more deserve an increase of remuneration than those officers who had full workhouses and crowded lists of recipients of out-door relief; yet the rate-payers, on looking at the establishment charges at the rate of 1,200*l.* per annum, two-thirds of which amount are for salaries, are apt to repine at so much money being paid to officers "for doing little or nothing." But the establishment must be maintained, though there be little or nothing to do; to deal even with the few cases, there must be a properly qualified and paid master of the workhouse, and properly qualified and paid relieving officers kept for inquiring into and for dealing with cases of emergency. Neither these officers nor the collector can be allowed with safety to carry on any

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any private business. Such complaints of the officers having sinecures, which are in fact complaints of the best operation of the measure, unavoidably create a latent feeling in the minds of the paid officers that they may carry improvement to an extent which is prejudicial to their own interests. Abundant evidence may be cited to show the consequence of allowing it to be the interest of any body of men that any amount of evil should be maintained. In order to prevent the growth of such a feeling on the part of the officers in the unions which are in advance, I would recommend the addition of such new functions as would not interfere with the performance of their main duties ; the superintendence of the highways I think would not interfere prejudicially with their main duties.

145. Then the Committee are to understand that, in your opinion, it would be beneficial in carrying out the Poor Law Amendment Act, that the repairs of the highways should be placed under the board of guardians ?—Yes, in preference to any other existing representative body, in preference to any body that might be separately constituted, consisting of the employers of labour, whether owners or occupiers. Amongst other grounds for preference of existing boards of guardians, I would submit the circumstance of the influence of the owners' votes in the representation as one of advantage. It is to the interest of the labouring classes that the abusive expenditure of the poor's-rates, which comprehends its great bulk, should be reduced. For myself, I have always contended that the aid of the owners' interest at these boards was, with this view, of great popular value ; but even that interest does not suffice, without the aid of the central board, to prevent abuse. The owners would, in the case of the highways, be the most interested in preventing the misapplication of the rate in aid of wages to be paid by individuals ; they would have the strongest interest in ensuring the proper repair of the roads, as their property is deteriorated by inconvenience of access, or the badness of the roads. I am apprehensive that no district board could easily be so well constituted ; and, if it could, there are objections to such multiplications of administrative bodies : they distract attention, and weaken publicity and responsibility, and cause inconvenience to the public. On most of the occasions requiring an application to such separate boards, inquiries have to be made as to who are the officers, and when and where the meetings take place, which are usually at such long intervals to be of little avail ; whereas the chief administrative board of the district stands forth prominently, and every one knows where and when application is to be made. The undue multiplication of places and officers assigned for the performance of these fragmentitious duties is, I would submit, of a mischievous tendency in many important directions.

146. The Committee, at the last meeting, considered whether they could not give power to the quarter-sessions to divide the counties into different districts : if such a board should be formed of the poor-law guardians, we wish to know from you whether you think those additional labours would be too much for the poor-law guardians to take on themselves ?—I do not give my own opinion, but that of several chairmen of the boards of guardians, that the labour of the performance of the additional duties would not be too much for them. I beg leave to read to the Committee the following extracts from a letter by the chairman of the Hertford board of guardians :—

I must now allude to a very unexpected difficulty, occasioned by the actual success of the poor law. The boards of guardians are finding, by experience, that they can materially reduce the staff of their establishments. By the concentration of workhouses and of relief districts, many workhouse-keepers and relieving officers have been dispensed with. I anticipate a possible evil, incidental upon the primary and unquestionable benefit thus afforded to the public. Our paid officers will not, I fear, cordially enter into improved systems of management which lead to the reduction of their own number ; and even if they do, and, if after a short time the establishments of the unions shall come to be generally reduced to the minimum of the machinery by which they can be worked, the work will still go on diminishing ; we shall have steam to spare.

But I take a wider view of the capabilities of the boards of guardians. Give the paid staff a sufficiency of employment, and you will still have a decreasing occupation for the members of the boards themselves. In a few years (in some unions in a few months), the bulk of relief will be given within the workhouses. There will be little discretion to be exercised, guardians will absent themselves from the boards, and the administration of relief will fall very much into the hands of the few who reside nearest to the place of meeting.

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Let me suggest the propriety of bestowing several functions on the guardians, which would ensure their regular attendance, and which they would, without the least difficulty, be capable of discharging.

There are now, in every parish at least, five annual officers—guardian, overseer, surveyor, constable, churchwarden.

I propose to retain but one, exercising the functions, not of guardian of the poor only, but of guardian of the parish, in respect of the poor, the roads and the churches, and, I would add, of civil registration; the functions to be exercised, not by the individuals, but by the board in its corporate capacity, except in so far as relates to relief in cases of urgent necessity, which is now given by the overseer, and should continue to be given by the “guardian of the parish.”

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It is known to the commissioners that much difficulty exists in small parishes to obtain a sufficient number of persons properly qualified to fill the parochial offices. This difficulty would be removed by vesting all the functions I have alluded to in the union boards working by means of paid officers, assisted by committees for official purposes, and acting under the control, in every respect, of the Poor Law Commissioners.

The commissioners are aware that a bill passed in the last session (1835), which was expected at the time to be a satisfactory settlement of the laws relating to highways, the object being to facilitate unions of parishes for the management of roads, under competent paid surveyors. The bill has failed to produce the intended effect, because its adoption is optional in each locality, a principle which seems to me faulty, as regards the theory of legislation, not less than in the results which naturally flow from it.

If a system is good it ought not to rest with each parish to accept or reject it, but it should be absolutely enacted. If it is beneficial in the places where it is adopted, its non-operation in other places, *teste auctore*, must be prejudicial.

147. You were present on the 19th of February when Mr. Gulson was examined before the Poor Law Committee?—I was.

148. Do you remember his saying that he recommended the management of the roads should be placed under the board of guardians?—I do.

149. Do you know whether that is the opinion of the other assistant commissioners?—I cannot at this moment say whether every one of them has expressed an opinion upon it. I must guard myself by saying I give my individual opinion, the commissioners themselves not having been specifically consulted upon it; neither have the assistant-commissioners been consulted for facts. I can only state that every one I have happened to speak to on the subject has expressed no opinions similar to those I have read; they complain of the evil of the present misapplication of the highway-rates, and consequently suggest the necessity of having some control: the expression is, we shall never make a complete cure of it until the power of misapplying the highway-rates is got over in some way or other.

150. Sir *George Strickland*.] You being of opinion that it is the great object to prevent a misapplication of the highway-rates for the relief of the poor, do you not think that would be better effected, the preventing of the misapplication, by a separate board, than by committing the functions relating to the highways to the poor-law guardians?—That would mainly depend on the constitution of the separate board. If it were a separate board of occupiers, or a board at which the employers of labour had the chief control, I think the danger of this misapplication would be much greater. I may observe that the misapplication imports not merely abuse as regards the poor-rates, but positive waste as regards the roads themselves, the pauper labour being, in point of fact, slave labour, and almost to the whole amount, money thrown away.

151. Mr. *Bethell*.] The mode in which the Committee thought they might form boards of guardians for the repair of the highways when they last met was this, that the magistrates at quarter sessions should divide the county into districts, and having so done, that the persons should assemble as voters, and select one from each parish to act as road guardians for that district; and that the board should be formed of the guardians of each parish in the district, who had been selected by the justices at quarter sessions?—I have not heard the proposition before; but my first impression as to the parochial elections of road guardians conducted in the usual mode, would not be successful. It is rare that the considerations belonging to such a special object are entertained by the persons who promiscuously assemble for such an election; the character of the direct appointments of waywardens or of surveyors, by assemblages of householders under the 13 Geo. 3, c. 78, s. 7, does not, I would submit, warrant high expectations from the appointment of roadwardens by such a mode. The office

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of guardian being one of much more importance, a more extensive interest is taken to obtain it; and the mode of election is I may assume an improvement upon all previous modes, in ensuring good notice to the electors, and in enabling every elector, by a voting paper left at his house and called for, to give his vote without going out of his business; the tendency of this improvement and the additional interests brought in, is to ensure the appointment of the representative by the majority of the parish, rather than the few who promiscuously assemble at ordinary parochial meetings to make the choice in the absence of the majority who cannot attend. In the case of the paid officers elected by boards of guardians of the new unions, the public have the advantage of instructions prepared for them by the commissioners, and checks against inefficient or jobbing appointments.

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152. When I say that the guardians should be selected by the voters, I do not mean that they should have the power of managing the repairs of the roads, but that, so selected, they should meet with power to form and appoint a board, and that they then should appoint one surveyor for the whole district, or divide the district as might seem fit to them?—That is, if I understand rightly, the election proposed is the election of electors to elect the paid officers. Where an election is appointed for the purpose of electing a paid officer, it is found that the candidates for the paid office direct their canvass to get friends elected as electors, so that after all the election takes place at the wrong end. I would submit to the Committee, that it is desirable as a principle that such appointments should as far as possible be made by representatives, appointed for their general merits before the particular vacancy or election could be in view, and that this would be an advantage on the side of the guardians of the unions.

153. Is it your opinion, when doubts should arise as to the law of the case relating to highways, that they should be submitted to the Poor Law Commissioners in London, in the same way as any doubts respecting the poor laws are? —I am not prepared to submit any detailed suggestions as to the extent to which the commissioners might act usefully, beyond exercising such control over the union officers as to ensure on behalf of the public a proper adjustment of the duties of those officers, and prevent undue interference, or an inconvenient disturbance of their main business, and such control over the audit as to prevent misapplications of the nature of those complained of. I am not at present aware of any other specific functions the commissioners might usefully perform; I may observe, however, that from what has occurred with relation to statutory provisions in anywise connected with the relief of the destitute poor, or with the duties of the union officers, that the questions of law and administration arising upon these provisions are very sure to be sent in greater or less number to the commissioners, and to those questions it is almost always necessary to return instructional answers.

154. Lord Eliot.] Would that not depend a good deal upon whether the question turned upon any amount of relief given being, in fact, poor-rates not paid on account of the highway-rate; I mean the reference to the Poor Law Commissioners might be safely permitted to take place, if it was at all supposed that the payments made to the person were, in point of fact, made out of the poor-rates, instead of being a misapplication of the highway-rate?—Probably so. But I would still urge that adequate power should be given to protect the highway-rates from being misapplied in aid of wages or of the poor's-rates; and it appears to me that the evidence of the tendency to abuse is so strong that it would be worthy of the consideration of the Committee, whether a distinct enactment should not be made that no pauper or claimant of parochial relief should be employed at all on the highways.

155. Mr. Stanley.] Are there not districts in the north of England which are not formed into unions to carry on the relief of the poor, but formed merely for the sake of the Registration Act?—There is not one union so formed; but I would explain to the Committee that the Registration Act required that the registration arrangements should be made at a given period; that is, if unions for poor-law purposes were not formed, the commissioners were required to form temporary districts for the purposes of the Registration Act. Had the commissioners formed temporary districts for the registration purposes they must have appointed officers; but they did not wish to exercise such patronage, and desired that the appointments should be made by the representatives of the

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156. Although those unions are formed with a view eventually of putting the management of the poor under their care, yet, in fact, they do not distribute the relief to the poor?—In the manufacturing districts, out of 31 unions, 12 or 13 are, from time to time, in operation for poor-law purposes; and the others are coming into operation.

157. If the Committee should decide upon placing the repairs of the highways under the board of guardians, who are elected by the direction of the Poor Law Commissioners, would there or not be some difficulty in carrying it out in those places where boards are only appointed for the purpose of registration at present?—I may say that at present the commissioners have got fourteen-fifteenths, or fifteen-sixteenths of the whole of the parishes of England and Wales in unions, or under orders, and the remainder will probably be soon included. If the Parliament would grant to the commissioners the power of dissolving unions under Gilbert's Act, the exceptions constituted by those unions would, almost all of them, be removed before an Act of this kind would come into operation.

158. Lord *Eliot*.] What arrangement do you propose with regard to the extra-parochial places?—The circumstance of extra-parochial places having, by the omission (accidental or otherwise) of any mention of them in the statute of the 43d Elizabeth, escaped contribution to the poor's-rates, does not appear to me to establish any claim upon the Legislature to exemptions, in perpetuity, from contributions to all other common burthens, if the highway-rate were a burthen. Good roads are to be deemed benefits; and I do not see that there is ground for any assumption that extra-parochial places are entitled to participation in all such benefits without contributing to the costs of obtaining them. I am not aware of any decision of a court of law tending to the establishment of such an extended privilege; but from the case of *Rex v. Great Broughton, 5 Burrow, 2700*, it appears clear that a hamlet or other district than a parish may be liable by prescription or custom to repair their own roads. For these reasons I would recommend that extra-parochial places should, for the purpose of the maintenance of the highways, be taken to form part of the unions in which they are situate.

159. Sir *George Strickland*.] You have said you think it very desirable that a clause should be introduced into some Act, to prevent paupers being employed on the highways?—Yes, absolutely excluded from employment on the highways.

160. Considering, as you do, that such exclusion would be desirable, do you think, under that supposition, that you are more likely to prevent the abuse of the highway-rates being given to the poor-law purposes than by a separate board for highways and separate machinery?—Assuming always that the separate board will be a representative board, composed to a greater or less extent of the employers of labour, I still think that, as being free from observation and control, the tendencies to abuse would in such a board be greater than in the board of guardians. The actual operation of such separate parochial machinery as that at present in existence, I would submit as evidence that the probable tendency of separate boards of parochial representatives to abuse, would be greater than at the board of poor-law guardians, though possibly somewhat less than under the existing machinery.

161. Mr. *Stanley*.] In what part of the country is this abuse of the highway-rates particularly prevalent?—I might say almost every assistant-commissioner throughout the whole of the kingdom has complained of the actual mal-administration of the highway-rates in his district.

162. Have you any in the north of England?—There the unions are of a very recent formation, and therefore such a tendency could not be expected to be made manifest, because the change has not taken place; but I have heard of it in Yorkshire; not always in respect to poor's-rates, but sometimes in respect to illegal charges

charges by the constables, expelled from the poor's, rates, being paid out of the highway-rates.

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163. Mr. *Tatton Egerton.*] Are you not aware that in many parts of the north of England, where the unions have been recently formed, great objections have been made to them in consequence of the immense size of the unions?—I am quite aware of the objection, not only in the north, but in other parts; but I am aware of its being almost everywhere unfounded.

164. If the objection prevails with respect to the poor law, will it not prevail to a much greater degree if unions for the purposes of the Highway Act are to extend over so large an extent of district?—It appears to me that in so far as the unions are large, in so far it is an advantage with respect to highways, as comprising a great extent of road and a district for wholesale management, and therefore better management; the unions are attempted to be formed on the principle, which I would bring to the notice of the Committee as worthy of their consideration, namely, of taking the market-town as the centre, and comprehending all the parishes where the inhabitants are accustomed to resort to that market-town for general purposes. In various respects I think it peculiarly desirable that the districts for road management should be as extensive as possible.

165. Are you not aware that in many cases the distance which many of the guardians have to come is from six to ten miles?—Yes.

166. And are you not likewise aware that some guardians, elected for several distant townships, are not likely to be constant attendants in those market-towns, in consequence of having to come that distance?—I can answer that question by the fact, that they do attend, and attend most regularly in their places, where the union is in the large market-town. They come to the market-town to sell their corn or for other purposes, and they attend the board of guardians at the same time.

167. Their attendance at the market-town, for the purpose of disposing of their corn, can only apply to a particular time of the year, and they may not be regular attendants every week?—To the extent that they do attend, it must be observed, that they have the advantage of going to the board of guardians at the same time that they go to the market. Generally, the attendance at those larger unions that usually comprehend a large number of parishes, and sometimes 40 or 50 guardians in all, there is an average attendance of 18 or 20. If all the guardians of such numerous boards were at all times to attend, the attendance would be too large for the due despatch of business. There has been no instance of any evil that has arisen, even in those unions where the first stimulus of change may be said to have gone off; no instance of any sort of obstacle accruing from the non-attendance of an adequate number of guardians. I may remark, that the pressure of business on the guardians usually diminishes after a time. Where there is an establishment of skilful and responsible paid officers, it is better that all the executive duties should devolve upon them, and the guardians be relieved from all other duties than those of inspection and control. As the officers become more trustworthy, the attendances of the guardians in number and time may, it is considered, be safely diminished.

168. Do you propose that the relieving-officers should be identical with the surveyors?—I am not prepared to state specifically, or in detail, what functions should be performed by the paid officers of the unions in this matter; it would require more time, and a more full examination than I at present can give; but I do not propose that they should be identical with surveyors.

169. Lord *Eliot.*] Would not the circumstance of the relieving-officers being in the constant habit of riding over the roads of the particular district enable them to make such reports and observations to the surveyor as would materially facilitate his labours?—Yes, and that brings to my remembrance a point which I should have submitted to the Committee as one of advantage in the proposed addition to the functions of the board of guardians. If a separate officer were appointed to traverse and inspect the roads very frequently, it would be comparatively expensive; but how is the regular performance of this duty to be ensured? Who shall keep this keeper of the roads to his duty? If, however, the union arrangement be adopted, and the relieving-officer chosen to the performance of this duty, you have an officer who is bound to traverse the roads frequently for the administration of relief; and if he neglect this duty, he subjects himself to outcries and serious responsibilities for every house and every spot where a visit is omitted. I do not know what degree of inspection the

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Committee would expect, or the proper management of the roads require ; but I think I have heard of surveyors who thought themselves exemplary, if they inspected the roads under their charge once a month. Under the proposed arrangement, the inspection would be at least once a week by the union officer.

170. *Chairman.*] No doubt the same clerks and auditors would do for both purposes ; and the collector who might be employed to collect the poor-rates might also collect the highway-rates ?—Yes ; each of those officers might be used, and the collector most advantageously. It would be an improvement that the collection, though for two or more rates, should be at one call, saving one receipt, and simplifying the business in other respects ; the substitution of collection by paid officers for the collection by unpaid officers in trade, a collection which is a great source of jobbing and vexation, by unduly pressing some and excusing others, and by the use of the money collected for trade purposes, which lead to frequent and serious defalcations, will be of much advantage to the public. The collection of the rates being at intervals, it may be made generally by the paid officers engaged in other duties ; but where the amount collected within a given district is, with the incidents of collection, sufficient for one officer, the additional sum collected would aid in the payment of a responsible collector.

171. If the same board were to superintend the repairs of the highways and also the distribution of relief to the poor, would it require any more officers to be employed than you have at present, except a surveyor or surveyors ?—The chairmen of boards of guardians, who might be said to be more particularly conversant and better acquainted with the capacities of the boards and the officers to perform extra functions, have stated that they might do the whole of the duties relating to the highways ; but I presume they did contemplate the addition of a surveyor.

172. Will not some additional salary be required to be paid to the clerk of the union ?—Not invariably ; I think, in some places, a sufficient salary is given for the whole time of a very competent officer ; but, in other cases, the salary is only sufficient for a part of his time ; in most of those cases some addition would be desirable, in order to obtain the whole time of a proper officer. The payments differ, but are all proportioned somewhat to differing amounts of duties and responsibilities. In many cases, considering the high and responsible duties performed by the clerks, the salaries are, in my opinion, too low ; and in those cases, the necessary additions to their salaries would at all events come well in the shape of remuneration for the performance of additional services.

173. Are the Committee to understand, from part of your previous examination, that the meetings of the board of guardians will not be so frequent after that Act comes into full operation as they are now ?—Most decidedly ; they need not be so frequent as now.

174. And the additional labour of attending to the repair of the highways would not be too much for them, in your opinion ?—I recur again to the opinion of the chairmen of unions practically conversant with the business of managing the roads. I am not informed as to what the precise amount of labour would be which would be required of the guardians for the good management of the roads.

175. Probably a meeting once a month would be sufficient to superintend the repairs of the highways ; if such be the case, would you recommend it to be held on a separate day to that on which the meeting is held for the distribution of relief to the poor ?—That would depend on the amount of the business ; if it would only take an hour or two hours, then I should say there was no occasion for a separate day ; if it took more time than that, the guardians might have a separate meeting for this purpose, and call the road surveyors and officers before them, and examine the parties and their accounts.

176. Would you advise the accounts to be kept strictly separate, and that two separate rates should be collected ?—I am only prepared to advise that the act of collection should be by one collector ; that he should collect the rates. I think that it is desirable as a subordinate arrangement, for the sake of preventing impressions which the public or the rate-payers might be led to entertain, at the same time that the separate sums for which collection is made should be shown, otherwise we should have the case which occurs now very frequently ; that these extra charges, which have nothing to do with the poor-rates, included in the one

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sum collected for the relief of the poor, and then the people say, "The poor-rates are not reduced to the extent we have a right to expect from the improved administration." The poor-rates and the police-rates are collected at the same time, and it appears on the receipt such a proportion for poor's-rate, and such a proportion for police-rate, and then there should be such a proportion for highway-rate.

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177. Is the Committee to understand that you do not see any objection to the highway-rate and the poor-rate being collected by the same person, and separate orders given by the boards to the collectors, or vestry of the parish, as to the sums required for the relief of the poor, and the sums required for the repair of the highway?—I see no objection at present.

178. Mr. *Stanley.*] I want to ask you whether, with respect to the roads in the north of England, and parts of Wales and Cumberland, where the roads are very thinly planted, and are from 20 to 25 miles of a very indifferent description, do you propose these particular roads should come under the same power, and under these bodies?—I am not acquainted with those districts. All I know of them is, that we have heavy charges to pay sometimes to the assistant commissioners for extra horses for travelling in those districts, from which fact I infer the bad state of the existing roads; but I am not aware of any circumstance that would lead to any special exemption from the arrangements for making them better.

179. Mr. *E. Buller.*] Would you recommend the whole management of the highways should be put under the board of guardians, and under the control of the Poor Law Commissioners in London?—I am not prepared with a recommendation to that extent; I think the powers necessary in auditing the accounts to prevent the abuse of the rates, and to regulate the duties of the officers, and preserve due subordination of duties by them, essential powers. I consider that the chief responsibility should be vested in one principal officer, a skilled surveyor, appointed for several unions, comprehending such an extent of district as would suffice for the payment of such an officer where the roads of a single union did not suffice. Several unions, as for example, in the metropolis, have been directed to concur in the appointment of an auditor for the whole of them. I beg leave to suggest it, as an advantageous arrangement, that the chairmen and vice-chairmen of the several unions should form a district committee or board, to make such appointments, or to execute any trust for the district purposes. The execution of such trusts by a body composed of the chairmen and vice-chairmen, would, I consider, be better than the election of electors amongst the guardians for the special purpose, as such elections are too frequently made, as I observed before, upon the canvass of the candidates. The chairmen and vice-chairmen are usually elected for their general merits, and the addition of such functions would tend to concentrate the motives to make good appointments for general purposes. Whilst the district committee executed arrangements necessary, with relation to roads extending beyond the boundaries of single unions, the boards of the several unions would, as committees, take care of the roads within their respective boundaries. I do not think these districts could well be marked out at the quarter-sessions, because they would in many cases go out of the county boundaries, for the attainment of objects which renders the departure from old boundaries worth while; it might be found expedient to make the district for the surveyor coincident with the district for the auditor. The employment of labourers should be confined to the contractor, under the superintendence of the surveyor: this arrangement would place an obstacle in the way of abusive employment of labourers.

180. In your opinion, do the poor-law unions, as constituted, form convenient districts for the management of the highways?—For the reasons I have stated, the general principle of the formation of the unions has been by taking the parishes which resort to given market-towns. In some instances the operation of that principle has been obstructed and prevented by a great variety of local circumstances. For the purpose of correcting these, the commissioners contemplated, and it has been frequently suggested, the necessity of applying for power to add to, and take from, the existing unions, without the necessity of obtaining the consents of the guardians. By the exercise of that power, the unions might be rendered more conformable, in geographical extent, to important administrative arrangements.

181. Keeping in view the great advantage of forming a district of those parishes

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parishes which resort to the market-town, you would prefer very much adopting the existing Poor Law Act to any regulation that could be made by the magistrates in quarter-sessions, that regulation necessarily not extending beyond the limits of the county?—In several parts of the country steps have been taken by the magistrates to make their petty sessional divisions identical with the boundaries of the new unions. A very large proportion of the chairmen and vice-chairmen of the unions are *ex officio* guardians; and my impression is, that if the formation of divisions for the management of the highways were left to them, they would, in a majority of instances, adopt the new unions: they were as land-owners extensively consulted by the assistant commissioners on the formation of the unions.

182. You are aware that many of the unions comprise parts of different counties; now suppose a power was given to the magistrates at quarter-sessions to form districts, they would have no power to incorporate any parish beyond their own county?—Yes; and to prevent anomalies as to the size of the districts it would be necessary frequently to pass over the arbitrary lines of the counties.

183. Is it not, in point of fact, very frequently the case that the town which forms the centre of the union is on the borders of a county?—Yes; many of the unions deviate from the county boundaries, *ceteris paribus* ancient boundaries have always been observed, and, on examination of the particular cases, paramount reasons for the deviations will always be found. The chief convenience preserved by the observance of those boundaries is in keeping, within legal jurisdictions, for the convenience of litigation; but the occurrence of litigation is occasional, and is becoming less and less frequent, whilst the general administrative objects are of daily convenience and importance; the convenience of the guardians, the paid officers, the parties relieved, and all concerned. The difficulty as to the legal jurisdiction might perhaps be removed by a provision that the whole union shall be held to be in that county or in that magisterial division in which the greatest number of parishes, or the greatest extent of rated property, is situate.

184. Is it not the fact that a river often forms the boundary of the two counties, and that the towns of which the board of guardians is formed are situated on the river which forms the boundary of the two counties?—Yes, there are many unions so situated. The servile observance of the county boundaries, which have long ceased to have reference to any object of public utility which they might possibly have had anciently, would now divide towns and natural districts formed by the daily habits and conveniences of the people, to which administrative arrangements should be made to conform.

185. Would the same reason which would induce you to extend the unions beyond the limits of the county for the purposes of the Poor Law Amendment Act, also induce you to do so for the purpose of the Highway Act?—Precisely so, and of having an existing body of administrators. The strict observance of the county boundaries would be fraught with daily inconveniences and anomalies.

186. And I think I understood you to give an opinion that the relieving-officers should be fit to make a survey of the roads?—Yes; assuming that it would be desirable to have a person who necessarily must traverse the district frequently, and having regard to economy.

187. Are you not aware that the very objection to existing surveyors is, that they are persons unacquainted with road-making, and considering the duties of a relieving-officer and surveyor of the roads to be altogether distinct, and the knowledge required for the due performance of each totally different, is it probable that you would find those qualifications in the same person?—I am fully aware that skill in the art of road-making, and knowledge of the science necessary for its advancement, is very limited. I am aware, also, that the provisions of the Highway Act which require the appointment of persons of skill and experience, meaning, I presume, skill and experience in road-making, are extensively disregarded in the appointment of salaried surveyors. For example, in the parish of St. George, Southwark, through which run some of the most important roads in the neighbourhood of the metropolis, they appointed a person in trade in the parish, a tinman, to be the surveyor, at a salary of 150*l.* per annum. In the canvassing letter of this person I could not find any pretensions set forth to the possession of such qualifications. In other instances the appointments I have met with appear to have been made on the accustomed grounds

grounds of most parochial appointments, that the person had been unfortunate in trade, that he had served parochial offices, or had a large family, and was a worthy good sort of man. When such appointments are observed upon as illegal or jobbing, it is alleged that persons of proper technical qualifications are not to be obtained for such appointments, unless at extravagantly high salaries. I fear, however, that skill in road-making is not appreciated by any majority of the inhabitants assembled in vestry who have not had their attention called to the subject, and that it is usually conceived that fitness for road-making is intuitive. I am of opinion that there will be few successful local appointments of superior district officers, unless the qualifications are defined, and arrangements are made to ensure the possession of those qualifications.

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188. Do you not think that the discharge of the duties of a relieving-officer of the poor would be more important than that of a road surveyor; and do you not think it extremely probable that the board of guardians would be more anxious to appoint a good relieving-officer than a good surveyor; and the consequence would be a neglect of the roads?—Undoubtedly the boards of guardians, and the commissioners by whom the qualifications of the paid officers are prescribed, would have regard to the qualifications of the relieving-officer for his chief duties. Skill, that is, professional skill in road-making, is not to be expected of relieving-officers, nor are they put in competition with persons so skilled; but the next best thing to the possession of such skill is acting upon the instructions received from the most skilled and experienced persons: as being accustomed to act on instructions they would so far be qualified. I presume that their duties would be limited chiefly to the point of observing and reporting on defects requiring examination. Skill in the selection and use of materials would perhaps be confined to the district surveyor. I attach importance to the general administrative machinery of the board of guardians rather than to this one particular officer.

189. Admitting that those relieving-officers have not sufficient skill and experience themselves to superintend the repairs of the highways, would they not, by their reports and observations, materially facilitate the labours of surveyors, and consequently, with respect to a district which would require three or more surveyors, would not one be rendered sufficient?—Precisely so, acting under the immediate advice and direction, at least under the direction, of the surveyor of the district.

190. *Mr. Bethell.]* Is the relieving-officer bound to visit every part of the union weekly?—In some cases the board of guardians require them to do so under any circumstances; but the fact is, that he is obliged to visit persons who are sick, he is obliged to visit villages within that district, make inquiry as to particular people, and the performance of those duties cause him to go more frequently than once a week almost to every part of his district.

191. Is he not obliged, in consequence of that, to visit more than one township every day?—I am not sure that he visits the townships more than once.

192. Is he not obliged to fix his townships in such a manner, that he is obliged, in order to visit every township once a week, to visit more than one township in a day?—Certainly.

193. Would it be possible that he could pay any attention to his duty as surveyor while he is performing the duty of relieving-officer, except stating to the board that the road was out of good repair?—He might be required to carry a memorandum-book with him, and in going over the road to make a report that each part of it was in such a condition; that such and such works ordered to be done by the surveyor were in progress.

194. That would not supersede the necessity of having a regular surveyor?—I conceive not.

195. *Chairman.]* Are you aware that, under the Highway Act, a provision is made that parishes, in which there are more than 5,000 inhabitants, may appoint a board for the repair of the highways of those parishes?—Yes.

196. Do you see any difficulty in retaining that power to them, supposing the powers of the Highway Act in another parish were placed under the board of guardians?—I do not see any difficulty in that; but I think it desirable for legislative and other public purposes that the agency should be uniform: that the same thing should always be done the same way throughout the country, the best being carefully selected, and that legislation should not be impeded, or

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the public mind be confused, by the necessity of having continual regard to mere formal differences.

197. Then you are of opinion that that clause ought to be struck out?—Yes.

198. In many parts of the country there are towns, the repairs of the highways in which towns are totally different from the repairs required in common country roads?—Yes.

199. Do you think these towns might not still have the power of appointing a board of persons for the repair of the highways, exempt from the orders of the other boards?—I am not prepared to say, that in densely populated districts it might not be the most efficient course to apply the exclusive services of an entire establishment of paid officers to the care of the roads within them. That which it is my duty to do is to give the Committee such information as I may possess, with relation to the competence of the boards of guardians to exercise the functions in question. I can entertain no doubt of their competency to exercise those functions, or others, or of the public benefit of adding them, even in the most populous town parishes. The question as to the competency of the most populous town unions appears to me to be set at rest by the fact, that boards constituted under local Acts, less advantageously devised for populous districts than the boards of guardians under the Poor Law Amendment Act, have long executed, and do now execute, the duties of superintending the administration of relief to the poor; the lighting and paving, cleansing, and watching of the district, and various trusts, such as the repairs of the churches, and the care of burial grounds. The Committee are aware that, before the institution of the metropolitan police, the watching, or the business of a night police, was managed by the various disconnected parochial authorities. By the introduction of the Poor Law Amendment Act, so much of the functions of those bodies as related to the administration of relief has been absorbed by the board of guardians, and separate establishments have been kept up for the residue of the trusts exercised under the local Acts. Although the advantages of the introduction of the Poor Law Amendment Act may be proved to be paramount, yet so much inconvenience and additional expense of establishment charges, so many conflicts respecting rates raised at the discretion of one body, and expended at the discretion of another, have been occasioned by the separation of the various functions recited, that suggestions are continually made of the importance of vesting the management of the whole of the trusts in the board of guardians. The clerk of one of the boards of guardians in the metropolis has volunteered to execute the duties of clerk to the several trusts gratuitously, for the advantage of the saving of time by the avoidance of conflicts. The boards themselves, in the districts where there are separate trusts, concur in this view, as to the expediency of a consolidation. It may be laid down as a rule, that in all trusts which are un-audited, or but nominally audited, and where there is but little publicity, there is, sooner or later, jobbing, somewhat proportionate to the absence of inspection. Illegal charges, now expelled from the poor-rates, are cast upon the highway-rate. Expel them from the highway-rate, and the miscellaneous charges will, in the rural districts, be thrown on the church-rates; in towns they will, to a greater or less extent, be charged on the un-audited and un-inspected trusts, under local Acts, or paving-rates, or sewers, or other rates. Several boards of guardians have strongly expressed the opinion that there would be no protection for the rate-payers, and no peace for the administrators of the law, until the whole of these trusts were consolidated and placed under the most efficient existing examination, control, and audit.

200. Have you any other suggestions to make to the Committee?—No.

*John Tidd Pratt, Esq., called in; and Examined.*

*John Tidd Pratt,  
Esq.*

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201. *Chairman.]* YOU have heard the examination of Mr. Chadwick, relative to the formation of these districts; have you any suggestion to make to the Committee; having been conversant with the working of the late Highway Act, will you state what your opinion may be, as to whether it is desirable that unions should be formed co-extensive with the Poor Law Amendment Act, or districts formed in any other way?—Upon that question my opinion is, that if a separate rate is to be made on each parish, I see no objection at all to the formation

formation under the Poor Law Amendment Act. In my former examination I did not exactly understand whether the rate was to be made all over the unions, in which case the parishes of the unions being in different counties, I thought a difficulty might arise with regard to appeals; but if that be not the case, I see no practical objection to it. With regard to the large towns and places, I should suggest that a general Act of Parliament should be framed for cleansing and lighting those parishes in much the same manner as the General Watching and Lighting Act at present. The Committee are aware that this general Act applies all over the kingdom, whether it is an agricultural district or a large town, except they have local Acts; local Acts cannot be obtained without considerable expense, and it appears to me that the different machinery of keeping the road in repair, and the materials of which the road are comprised, must, in a town, for instance, I should say in the parish of Lambeth, be very different to what it would be in many of the parishes of Sussex. In many places the paths to the church are paved; and in large towns paving and lighting is necessary; it is not wanted in other districts. I think if a general Act were framed, something similar to the Watching and Lighting Act, that that Act should not apply to those towns or parishes which come under the provisions of the General Act for paving and lighting. The application for such an Act would incur very great expense; every time an alteration took place the expense would be very great.

202. Then you are of opinion, if a general Act were obtained for paving and cleansing, section 18 of the late Highway Act might altogether be discontinued?—Yes, and much more usefully and advisable; it would not be employed in any parishes where the population did not exceed 5,000.

*John Tidd Pratt,  
Esq.*

5 March 1838.

*Mercurii, 7<sup>o</sup> die Martii, 1838.*

MEMBERS PRESENT.

Mr. Barneby.  
Mr. Bethell.  
Mr. Bowes.  
Mr. E. Buller.  
Mr. T. Egerton.  
Lord Eliot.

Mr. Handley.  
Mr. S. Lefevre.  
Mr. Stanley, (Cumberland.)  
Sir G. Strickland.  
Lord Worsley.

JOHN BARNEBY, Esq., IN THE CHAIR.

*John Tidd Pratt, Esq., called in; and Examined by the Chairman.*

203. WILL you have the goodness to look at the latter part of the section 85 of the Highway Act, and give your opinion to the Committee as to the meaning of those words, "And the said certificate, together with the proof and plan, be laid before the justices." Is it necessary that a copy of the evidence, as taken by the magistrates at special sessions, should be laid before the quarter sessions or not?—I should think there should be the proof of notice, and the proof of advertisements in the newspapers.

204. Do you take into consideration the evidence laid before the magistrates in petty sessions?—My opinion is, that a copy of the evidence given before the magistrates at the petty sessions, signed by the clerk of the justices, should be deposited in the clerk of the peace's office.

205. Then do you think these words are sufficient to convey that meaning without any alteration?—I know at present it is so.

206. It appears by section 94 relating to the proceedings before the justices, when the highway is out of repair, that the surveyor must be summoned before the magistrates at some special sessions, who are thereon to order some competent person to view the same, and to report thereon to the justices in special sessions assembled, on a certain day and place to be then and there fixed. Has not much inconvenience arisen in consequence of the length of time that elapses before any decision can be come to on that subject; might not some addition to the following

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*John Tidd Pratt,  
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*John Tidd Pratt, Esq.*  
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207. In the latter part of this clause, it appears that if the road should be a turnpike-road, the person to be summoned is the treasurer or surveyor of the turnpike trust; would it not be hard to fine that treasurer or surveyor if he should prove to the magistrates that he had no funds to lay out in repairing the roads?—I think it would; but as the law stands they are fineable, whether they have money or no.

208. Is not some alteration necessary in that part of the clause?—I think so.

209. Can you suggest any alteration to the Committee? Are you of opinion that that part should be entirely omitted, as you are aware by the 113th section of the Act, the provisions of this Act are prohibited to being extended to turnpike-roads?—I am aware that the provision does not extend to turnpike-roads; if that is the case, I do not see how you will be able to get the repairs of the turnpike-roads done. The Act of Parliament expressly provides in those cases where the duty or obligation to repair is disputed; there it would be quite clear the trustees and treasurer would not be liable.

210. Will you be kind enough now to refer to the end of the 94th section. According to the wording of that part of the section, is there not some doubt that is applicable only to the preceding sentence?—My opinion is, it is applicable to the whole of the section. If any addition is made to the clause, unless it should be proved to the satisfaction of justices in the examination of the accounts of the turnpike-road, and they made an order that the trustees had no fund available for the purposes of the repairs, I think that might answer the purpose, because you would have a right of appeal to the justices at the quarter sessions; but still the same difficulty would arise, on the ground that every justice is a trustee of the turnpike-road.

211. Then you are still of opinion that that clause should be retained, but that some alteration should be made in it?—Yes.

212. Are you prepared to suggest the alteration?—I am not prepared to suggest it; the great difficulty is with regard to justices being trustees.

213. Perhaps you will give your attention to it, and give an answer at the next meeting of the Committee?—Yes.

214. According to section 95, it appears, if on the hearing any summons the repair of the highway should be denied by the surveyor on the part of the inhabitants, the justices are required to direct a bill of indictment to be preferred against the party; it might so happen that the grand jury might throw out the bill; in the event of their so doing, the case could not come before the Court. Would not some alteration similar to the following be advisable; namely, that the justices should direct the party applying to take the case to the magistrates at quarter sessions, who should impanel a jury to try the question in the same manner as they are directed by section 82 and 83, which refers to the stopping of highways?—I think some alteration would be very useful.

215. Mr. *Shaw Lefevre.*] Could not that object be obtained by giving the justices at special sessions, under the 95th clause, a power of presenting the road?—It might; I think, from the feeling when the present Act was passed, there would be a similar feeling against the mode of presentation by justices.

216. Was not the great objection to presentation by justices the presentation by a single justice?—I am aware of the great objection being made to the presentation by justices, particularly on the ground that justices, whether one or more, were trustees of every turnpike-road, which they might present as being out of repair.

217. Supposing presentations by justices in special sessions (which is a different thing to presentations by a single justice) were confined to those cases where the right to repair is disputed, or the trustee of the turnpike-road had no funds to repair the turnpike-road, and must necessarily come to the parish to repair the turnpike-road, would not that prevent that objection?—It would probably be prevented, and certainly be a saving of great expense to the parish.

218. In

218. In what manner?—A saving of expense in the attendance before the grand jury to prefer a bill.

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Esq.*

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219. I am now alluding to the 95th section, by which the justices are to order a bill of indictment to be preferred; the justices at special sessions should have the power to present a road being out of repair, to have the question tried?—Their presentment would be whether any particular individual was bound to repair, and you would avoid the whole expense of witnesses attending before the grand jury.

220. *Chairman.*] You think that mode would be better than the one suggested by me in my previous question?—I think it would come to the same point.

221. In the latter part of this clause, it is stated, “the costs of such prosecution shall be directed by the judge of assize before whom the said indictment is tried, or by the justices at such quarter sessions, to be paid out of the rate made and levied in pursuance of this Act, in the parish in which such highway shall be situate:” do you not think some discretionary power should be given to the court, instead of that compulsoy word “shall”?—Yes.

222. So that the court might order the expenses to be paid to the prosecutor or the defendant?—Certainly; of course the whole of this clause would require amendment altogether. I would likewise suggest that some power should be given to the justices at special sessions to fix the amount of the costs, in the same manner as in the criminal prosecutions by them; if the party was either found guilty or acquitted, that those costs should be paid out of the rate.

223. Do you not think the court should make the order, and not the magistrates at special sessions, before whom it came in the first instance?—I am alluding, not to the order made by the justices at special sessions, but that the justices at special sessions should ascertain the amount and the nature of the costs to be paid.

224. How can the justices at special sessions ascertain the amount of the costs that may be incurred in the prosecution before the justices at quarter sessions?—It would only be up to the time of that presentment being made.

225. After the presentment has been made, there must be necessary expenses before the court before whom that came?—No doubt of it, and the court should have a discretionary power as to that.

226. *Mr. Shaw Lefevre.*] Then you propose that the magistrates at special sessions should certify the amount of costs incurred in the proceedings before them, and that certificate should be put in before the court of quarter sessions, who are to decide as to what amount of costs and by whom they are to be paid?—Yes.

227. *Lord Eliot.*] I observe that this provides, that the costs are to be paid out of the rate levied on the parishes in which such highway should be situate; now I wish to know whether it might not so happen that the inhabitants of other parishes are not the parties named in the order, and consequently not the parties liable to the payment of the costs: I observe in the previous part the words are, “or the party to be named in such order,” contemplating some other party, to be named in the order, who is held to be liable to the repairs; according to the wording of the present section, it is open to the judges to direct the costs to be paid out of the rate made and levied in the parish in which such highway shall be situate; might it not happen that other parties might be held by the court to be liable to the repair of the highway?—The whole of that clause will require amendment, and of course the provision respecting costs must be altered.

228. *Chairman.*] You will observe, that by section 99 the power of presenting is entirely taken away; I collect that it is your opinion, from your previous answers, that it should be restored in certain cases?—I am of opinion that the mode of presentment, or some proceeding similar to that, should be restored.

229. *Mr. Tatton Egerton.*] I should wish to call your attention, with respect to clause 98, to a case that very often happens, that indictments are preferred and brought before grand juries, and they find the bill, and then the parties plead guilty; in that case there is no legal power given to the court of awarding the costs to the prosecutor?—I think that power should be given, and a clause in a few words introduced.

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230. *Chairman.*] Section 110 relates to the amount of fees. I have received several letters on this subject, the name of one of the writers I will mention, Mr. Ashurst, chairman of the Oxfordshire quarter sessions. He states that they are about to make a new table of fees for justices' clerks, but, in consequence of the provisions of this Act, he does not think that they have the power to give any additional fees to justices' clerks, as a remuneration for the labour they may have relating to this Act?—They have no such power.

231. Does it not appear to you that the fees are very low?—I am not competent to give an opinion on that; my own opinion is, that the magistrates' clerks should be paid by salaries, and not by fees.

232. But, supposing the system of fees should be continued, is there any reason why the fees should be paid to clerks of magistrates for serving notices?—Under this clause of the Act of Parliament they can only take fees at sessions.

233. Do you think that any provision should be made for an allowance to them for that part of their duty?—As long as they are paid by fees, I think there ought to be fees.

234. The two points on which they are not allowed fees are, for the service of notices and the allowance of writs?—There are those two; there may be more.

235. *Mr. Shaw Lefevre.*] Any duty to be performed by magistrates' clerks, omitted in this section of the Act, you think it right that those duties should be remunerated by fees?—As long as the clerks are paid by fees.

236. *Chairman.*] Are you not aware that the fees mentioned in this Act are much lower than the fees usually paid to magistrates' clerks in the transaction of their business?—That was so represented to me when I was one of the justices.

237. *Lord Worsley.*] Are you not of opinion that those fees are small, in proportion to their office, for the informations and summonses which the magistrates' clerks have to make out?—Certainly; the informations under this Act run very long, and require a great deal of certainty.

238. *Mr. E. Buller.*] Referring to clause 110 of the Act, which regards the fees to be taken by magistrates' clerks, are you of opinion that it is expedient to limit those fees by Act of Parliament?—Certainly not.

239. Will you state your reason?—Particularly if parishes are formed into unions, for the same fees for serving a notice in a single parish, where the party would only have a short distance to go, would not be sufficient in a case of parishes being united into unions. My opinion is, that the fees payable under this Act should be left to the discretion of the justices of the quarter sessions, sanctioned by the judge, the same as every other fees of justices, and therefore I would recommend that clause to be struck out.

240. *Chairman.*] I have received the following letter from Mr. Elias Lowe, of Sheffield:—"Sir; The board for the repairs of the highways for the township of Sheffield, observing by the votes of the House of Commons that a Committee has been appointed to inquire into the operation and effect of the late General Highway Act, 5 & 6 Will. 4, c. 50, beg most respectfully to call your attention to the great inconvenience and disadvantage occasioned to the public in large, populous, and increasing towns, by the 23d section of that Act. Previously to the passing of the Act, the surveyors of highways could legally adopt any road dedicated by private individuals, and used by the public, and thereby make the same a public highway, liable to be repaired out of the highway rates; and it was at that time the common and usual practice in this township for the surveyors, where the road dedicated appeared advantageous to the public, to make an arrangement with the individual dedicating such road; that on his setting out the same in manner approved by them, and allowing one-half of the expense of making the road, to adopt the same as a highway, and which road was made and ever afterwards maintained and repaired by the township. There is no doubt that such arrangements have, in many instances, secured to the public the advantage of wide and well-formed streets, in situations where they would otherwise have been narrow and confined, and have tended much to the improvement of the town, and the health and convenience of the inhabitants, and the public in general; but, by the 23d section of the Highway Act, no road or occupation-way

occupation-way made on the passing of that Act, or thereafter to be made, by and at the expense of any individual or private person, should be deemed or taken to be a highway, which the inhabitants of that parish should be liable to repair, except on certain precedent acts and conditions to be done by the individuals proposing to dedicate such road to the public, one of which conditions is the making, repairing, and keeping in repair the proposed road for 12 calendar months. The sacrifice and abandonment on the part of the owners of the land purposed to be dedicated as a road in large and populous towns, where land is very valuable, added to which, the expense of complying with the requirements of the above clause, appears to the board of highways not only to deter many individuals from setting out roads in situations where they would be of great public utility, but has in many cases prevented individuals setting out and dedicating roads of such width and dimensions as are best suited to the public convenience and general advantage of the town. The board would, therefore, most respectfully suggest, through you, to the Committee, the total repeal of the above clause; and that the Act should be amended in such manner as to enable the board and surveyors to make such arrangements and contracts with individuals purposing to dedicate a road to the public, as they, the board and surveyors, should in their discretion think more advantageous. Sheffield, 23d February 1833. We are, &c., *Elias Lowe*, chairman."—You have heard that letter read; will you give your opinion to the Committee on that subject?—My opinion is, that it would not be advisable to repeal the clause.

241. Are there any alterations which strike you now?—I think not; the clause was agreed to after a good deal of discussion, upon application of many parishes, in order to prevent jobbing taking place. I would suggest that, if a new Act should be prepared and passed, that an abstract, or something of that kind, should be circulated in the country, in the same way as the law relating to wills by the Government, for it is impossible for any surveyor to look through an Act like this, with 111 clauses.

[The Witness was then ordered to withdraw.

The following letter was then read by the Chairman:

Sir,

Waterstock, Wheatley, Oxon, 23 February 1838.

"I HAVE the honour to write to you in consequence of having seen Sir James M'Adam yesterday, who informed me you were Chairman of the Committee on the Highway Amendment Act. We are at this time making a new table of fees for the clerks to magistrates in this county; and we find in the 100th clause of the Highway Act, 'That the several fees hereafter limited and expressed, and no others, shall be taken by the clerk of the peace, clerk to the justices or others, for their respective services in the execution of this Act.' But there are other, and those very laborious, duties to be performed under this Act by the clerks, which you will of course be acquainted with, under the following sections: 13, 14, 44, 45, 27, 82, 84, 85, 91, 94, 103; and we cannot expect our clerks to perform these laborious duties without remuneration, but we have not thought it safe or proper to specify any fees to be taken, when we see so strict an injunction under the 110th clause.

"I thought you would excuse me for calling your attention to this circumstance, as it may cause some difficulty in carrying the Act into execution."

I have, &c.

To John Barneby, Esq.  
&c. &c. &c.

Wm. H. Ashurst.

The Committee then passed certain Resolutions, and adjourned *sine die*.

John Tidd Pratt,  
Esq.

7 March 1838.

*Lunæ, 7° die Maii, 1838.*

MEMBERS PRESENT.

Mr. Barneby.  
Mr. Bethell.  
Mr. E. Buller.

Mr. Tatton Egerton.  
Lord Eliot.  
Mr. Shaw Lefevre.

JOHN BARNEBY, Esq., IN THE CHAIR.

Mr. James Dean, called in; and Examined.

Mr. James Dean.

242. *Chairman.*] I BELIEVE you are a Land Surveyor and Civil Engineer?—I am.

7 May 1838.

243. Have you been accustomed to survey turnpike roads or highways?—It is 35 years since I was surveyor for the turnpike roads between Oxford and Henley-upon-Thames, and Dorchester and Abingdon.

244. Have you been engaged on roads in any other part of the country?—Many in the northern counties, and also the western counties.

245. Have you been a surveyor for any parish in the neighbourhood of London?—I have; the parish of Tottenham, five miles from London. I was two years surveyor under the old system—of two surveyors of the parish, and two years under the new system—a board of eleven members.

246. Do you consider the system which has been adopted under the new Highway Act preferable to that which was under the old?—Very superior, indeed.

247. Will you state your reasons?—In the first place, we have a more perfect supervision of the roads, and of the funds arising from the rates, as to their being properly appropriated, because an order to apply any portion of the rates must be signed by three of the board.

248. You are now alluding to the boards that have been formed under the provisions of the present Highway Act?—I am.

249. Do your observations relate to unions of parishes, or only to those boards formed in parishes where the population exceeds 5,000?—To the latter.

250. Is it your opinion that the boards should be extended more widely than they are at present?—I consider them so exceedingly beneficial, that they ought to be extended to every parish, more particularly to the unions formed under the New Poor Law Act.

251. In any new Bill that might be introduced into Parliament, do you think it advisable that clauses should be inserted into that Bill to compel the formation of those unions?—I do.

252. Will you give your opinion to this Committee what officers you think should be appointed by those boards?—There should be a treasurer, assistant surveyor, clerk, and collector or collectors.

253. Why do you say an assistant surveyor?—Because it would be very inconvenient for a board to give its directions where work is to be performed, except through an assistant surveyor.

254. Would it not be preferable that a surveyor for the whole district should be appointed, to take the management of the roads out of the hands of surveyors who might be appointed in the several parishes of the union?—The appointment would be applicable in either case, to unions or to single parishes.

255. Have you seen a copy of the Bill which has been drawn out for the direction of this Committee?—I have.

256. Do you think it is necessary that auditors should be appointed, before whom the accounts should be laid?—Quite indispensable.

257. Will you give the Committee your opinion respecting the present Highway Act, whether you think it should be repealed, or whether such alterations might be made in it, including the compulsory formation of unions?—I have always been of opinion that Acts become inoperative when they are spread over

over several Acts, one amending the other, because of the great difficulty in bringing the mind to understand what has been repealed, or what has been re-enacted. Therefore, as this Act is to be so extensive in its operation, it should combine the greatest possible simplicity with the most extensive information.

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258. Will you give your opinion respecting the making of the rates, whether you think any alteration should be made in the way in which the rates are levied?—I am decidedly of opinion that, instead of being left to the surveyor, as is the case under the present Act, it should be left to the board to make the rate, and that they should be responsible for it.

259. By making the rate, do you mean that the board should absolutely make the rate, or that they should only give directions to the surveyor to make the rate, and levy it, and so, in fact, that the surveyor should not have the power of collecting it without the sanction of the board?—The clerk, under the directions of the board, in that case would make the rate, the board having previously said at how much in the pound the rate should be; then the rate so made should be handed over to the collector to collect.

260. If it is your opinion that the board should make the rate, do you think it necessary to have the appointment of a surveyor to every parish, as at present is the case?—I am decidedly of opinion that where there is a union there should be only one surveyor; and parishes having a board of waywardens should also be at liberty, or rather that it should be directory to them, to appoint the same officers as would be appointed in unions.

261. Mr. Bethell.] Do you propose that every parish should have a similar rate assessed upon it?—No. Supposing it to be ascertained that a certain sum of money has been expended in the last year on the roads, and that some other sum would be required for the succeeding year, then the board at one of its meetings would decide the amount per pound, knowing, as they would, the amount of rate that would be required from the quantity of assessable property in the parish; because the Act of Parliament would give the board the power of examining the poor-rates, with a view to obtain the information necessary as to the forming of this highway rate.

262. Mr. Shaw Lefevre.] Where there is a district united for the purpose of road management, you propose that the waywardens of that district should have the sole power of ordering the amount of rate to be raised?—Certainly.

263. And where a parish is placed under a board, under the 18th clause of the present Highway Act, you then propose that the board should have the sole control of the amount of highway rate to be raised?—Certainly.

264. In any one year?—Yes.

265. And in no case should the surveyor be at liberty to raise the amount which he might think necessary?—Certainly not; I consider him to be in the character of a subordinate officer.

266. Mr. Bethell.] Supposing a board of guardians to be established, under whose direction you propose to have one surveyor, and that the board should state the amount of rate to be levied, do you mean the same rate should be levied on each parish?—Certainly not; but on each parish according to the report made by the assistant surveyor to the board of what will be required for that particular parish.

267. Mr. Tatton Egerton.] With that understanding, the rates would be different in the pound in the several parishes comprised within the union?—They would.

268. Chairman.] Do you see any objection to the plan that there should only be one rate collected in the parish, that is, one rate for the poor and for the repair of the highways, so that the waywardens should have the power to make an order on the overseers to pay a certain sum to the treasurer out of the rate which might be levied for the use of the poor?—I think there are great objections to that mode, because it may happen that from circumstances there might be a great decrease in the rate under the Poor Law Acts, whilst there might be a vast increase in the highway rate, from a neighbouring railway taking off the lighter traffic from the roads, which would occasion a greater expenditure on the roads; therefore, in the one case, a larger quantity of highway rate would be required, whilst there might be no alteration required in the poor-rate.

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269. Do you think it desirable that trustees and commissioners under local Acts should be allowed to abandon those Acts, and to adopt the provisions of the new Highway Act. I am speaking now with reference to the 18th section of the new Highway Act?—I do.

270. Will you state your reasons?—I know instances of local Acts, in which the provisions of the General Highway Act have not been embodied, and where the repair of the roads and the management of the funds have not had that attention they would have under the General Highway Act, or the one proposed to be made.

271. Your answers have been directed to the general application of the Act in the compulsory formation of boards of waywardens in unions; will you now give your opinion respecting the formation of boards in single parishes, so as to bring them under the operation of the Act; I mean parishes exceeding 5,000 in population?—Precisely the same reasons that would operate in the case of a union would operate also in the case of a single parish of extensive population; the necessity for having the same careful attention to the management of the roads, and to the expenditure of the rates, would apply as strongly in the one case as in the other.

272. Under the 18th section of the Highway Act, a doubt has arisen whether the board can continue to exist for more than one year; would it not be desirable, to remove that doubt, to make it compulsory on the parish, after that board has once been formed, that it should remain so formed for a number of years?—Yes; I am of opinion that a board should be formed, in the first instance, for three years, and that one-third of the members should go out by rotation, and that their place should be filled up by the re-appointment of the same or other persons, so that there would be always one-third of the board with the experience of two years, and another third part of one year, to carry on the business, which would be found extremely beneficial.

273. In what manner should you propose that the members to form this board should be elected?—They should be elected at a general vestry immediately after the 25th of March in each year. A show of hands at the vestry should decide how many of the board should remain; that is, that two-thirds having the largest number of hands held up in their favour should be continued, and those having the smallest number should go out, and that they should be eligible to be re-appointed, or for others to be appointed in their stead.

274. But do you mean that a show of hands should be the manner in which they should be elected to form a board, or that the rate-payers should proceed to a poll?—The vestry might proceed under Mr. Sturges Bourne's Act; but it is often found inconvenient, on account of the delay it occasions.

275. Do you think that these boards, when once formed, should continue to exist after the three years have elapsed, unless there should have been some meeting of the vestry to take the matter into consideration, whether they should be continued so formed, or whether they should be given up?—In my own opinion, the vestry should not have the power of dissolving the board when once formed.

276. *Mr. Shaw Lefevre.*] Now, supposing a parish where a board was formed under the 18th clause of the Highway Act should be included in a poor law union, would not you allow the vestry, if they chose, to break up the board and put the parish within the union?—Yes, I have no objection to that.

277. Then you mean, by saying you would not allow the vestry to put an end to the board, that there should be a board in one shape or the other, either a district board or a parochial board?—Decidedly.

278. *Chairman.*] Respecting the rating of poor persons, do you think it desirable that they should be excused?—I think there are many instances in which they should be excused.

279. In what way should they be excused?—I think it should be competent to two magistrates, who would take the trouble to hear the reasons of these persons why they are unable to pay; and if the magistrates should be of opinion that they ought to be excused, they should have the liberty of making an order to that effect, without compelling the persons to go to a distance to attend the special sessions directed by the Act to be held for the highways, which special sessions may be held at a very inconvenient distance from the residence of those persons, and would occasion them to lose a day's labour, and probably

probably with no different result than would take place if they had been heard in or near the parish in which they reside.

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280. Perhaps you are aware that a Bill has been introduced into Parliament respecting the rating of tenements?—Yes, I am; I expect to be examined on that. I have had a communication with Lord Sandon upon it.

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281. Would it not be desirable to put the highway rates under similar provisions that have been made for the poor-rates, and to abide by the decision of the Committee that is sitting upon that Bill?—I think so; the Committee appear to have taken an admirable view of the matter.

282. Have you turned your attention to that part of the Act relating to impounding cattle that may be depasturing on the highway?—I have, and hitherto have found the present Act quite inoperative in furnishing a remedy for the evil.

283. Perhaps you have seen the clauses that are inserted in this new draft of the Bill?—Yes.

284. Do those meet your views, or have you any suggestions to offer?—My suggestion is, that where cattle are turned on slips of waste land by the side of roads, they should not be allowed to remain, but be impounded, unless they have a follower.

285. I think that is provided for in the draft of this Bill, because the words in it are, "on the side thereof without a keeper;" does not that meet your views?—Yes; I was not aware of that.

286. Do you wish to make any statement respecting the mode of carting materials?—We have attempted the mileage plan under the existing Act, and found it inoperative, because of the loads being put at different places; it is impossible to keep anything like a correct account; and all accounts that have been attempted to be so kept were always to the disadvantage of the parish, and in favour of the carter; we therefore abandoned that mode, and have since engaged people to do the carting by the day, computing their day from the first load to the shooting of the last.

287. Does not the clause to which you refer, namely, the 35th of the present Act of Parliament, relate to such parishes where the rate-payers may divide among themselves the conveyance of stone, &c., after they have called a meeting of the parishioners to that effect?—Failing to do that, the magistrates recognise the same principle in reference to carting done by other persons.

288. Can you point out any clause in the Act of Parliament which gives them that power?—No, only by inference is it done; formerly, under the old laws, the price was fixed at per day; under the new one no price is fixed by the magistrates, excepting where an application has been made by rate-payers to do the carting among themselves.

289. If there is not any clause in the Act of Parliament giving to magistrates that power, surely magistrates who have so acted have rather exceeded their authority?—They have done it from the best motive, because it has occurred to us that where the sum fixed was at 11*s.* for two horses, a cart, and man, we have been charged 14*s.* by persons when there has been no specific agreement. We have applied to the magistrates on two or three occasions to correct the charge, and the magistrates have ordered the sums to be paid which they had previously fixed.

290. If I am correct that there is not any clause in the Act of Parliament authorizing magistrates to make that rate of payment, then there would not be any necessity for inserting a clause stating what their powers should be?—To define what they should do in either case, as to mileage or by the day, would be better than leaving the matter open.

291. Would it not be better to leave it to the parochial or district surveyor to obtain the cartage of the materials in the best way he could?—I think not.

292. Are there any other suggestions that you wish to make to this Committee?—Merely to reiterate my conviction of the advantages of a board of waywardens over the old system of surveyors, exemplified in the case of the parish of Tottenham in the reduction of rates and the decrease of crime, by the employment of able-bodied labourers when out of regular employ, particularly in the winter season, when they are employed by the board at a small reduction of wages. For four years there have been no police in the parish, and the whole of the thefts committed within that period, ascertained from the

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chief constable, has not amounted to 200*l.* The extent of the parish is 4,500 acres, with a population of 9,000 persons. The rate under the old system was 5*d.* in the pound, under the new 6*d.*; formerly the whole rate was got rid of; somehow this year there is a surplus of 300*l.* out of a rate amounting to 800*l.*

*Edwin Chadwick, Esq., called in; and Examined.*

*Edwin Chadwick,  
Esq.*

293. *Chairman.*] AT the last meeting of the Committee I believe you expressed a wish that you might be permitted to send copies of the evidence to the assistant poor law commissioners?—In compliance with the wish I heard expressed that I should consult the assistant commissioners, and get their information: I thought that the best way of doing so.

294. Upon my application, as Chairman of the Committee, to The Speaker for permission that copies should be sent to the assistant commissioners, and that being granted, did you send copies of your evidence to the assistant commissioners?—Every one.

295. Have you obtained answers from them?—From the majority; by tomorrow I shall have the whole of them.

296. State to the Committee the substance of the answers you have received?—The assistant commissioners concur generally and emphatically in the propriety of taking strong measures to control the abuse, which is very prevalent in nearly all their districts, in the application of the highway rates in aid of relief and the wages of able-bodied labourers; they all express that very strongly; and, if it was needful, I could give to the Committee portions of their statements with respect to the particular districts.

297. Read such extracts as you think may be necessary to give information to this Committee?—Mr. Hawley, the assistant commissioner having the care of the unions in South Hants, a large proportion of Sussex, and the Guildford and Hambledon unions in Surrey, gives detailed accounts of the extent of misapplication of the highway rates, of which it may be proper the Committee should be informed.

In the parish of East Meon, in the Petersfield union, the greater part of the labourers have been working on the highways nearly all the winter, at a reduced rate of wages. In the parish of Froxfield, in the same union, nearly every labourer in the parish was on the roads, during the same period, till the severity of the frost compelled the waywarden to discharge them, as he could furnish them with no further employment; the men in consequence applied to the board of guardians, and were most of them ordered into the workhouse, in consequence of which their former employers instantly took them back into their service. The amount of the rates raised for the relief of the poor during the year, in this parish, was 287*l.*; that for the purposes of the Highway Act amounted to nearly 150*l.*, being in fact nothing more or less than indirect poor-rates.

In the parish of Selborne, in the Alton union, the occupiers appear to have set aside the new Highway Act altogether, by continuing to pursue the old system of statute duty with their teams, when, where, and how they please; the advantage of this practice, as it regards their own interest, is obvious; the flints which they bring for the purpose of mending the roads are brought in an unbroken state, and left to time and chance to reduce them. On one mile of road alone nearly 100 waggon loads have been thus carted at different times during the last winter, and for the greater part of the time they were piled by the side of the road, which is very narrow, to the great inconvenience of the public.

In the parish of Funtington, in the Westbourne union, materials for the repair of the roads have been supplied by the farmers in the same manner, not because they were immediately required for the purpose, but to give a job to their teams; and the flints so supplied have been known to remain so long in the places where they have been thrown down, that when they were actually wanted they have been so buried in the ground, and covered with weeds, as to be scarcely discoverable.

In some of the parishes of the Horsham union, the labourers have been thrown out of employment, and placed upon the roads to an extent which has nearly denuded the soil of its cultivators; cases have been reported to me of farms, varying in size from 200 to 300 acres, left with only one able-bodied agricultural labourer upon them. The system pursued here is for the waywarden to give employment to every labourer who applies to him, whether his services are required or otherwise; the wages he pays them in no case exceed 8*s.* per week, and the men are allowed to come to their employment at eight o'clock in the morning, and leave it again at three in the afternoon; this system, in conjunction with one nearly similar in practice, pursued by the guardians on the occasion of a typhus fever raging in the workhouse, when it was found necessary to relax the prohibitory rule, exerted so pernicious an influence on the labourers, that many of them actually refused to accept employment on some hop grounds in the neighbourhood, where they might

might have earned 15 s. per week ; they preferred low pay, short hours, and idleness to increased exertion with a higher ratio of remuneration.

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In the parish of King's Somborne, in the Stockbridge union, the abuse of the Highway Act has been attended with most mischievous consequences, and may be said to have entirely frustrated the intention of the Poor Law Amendment Act. In this parish the surveyor's rate is an indirect poor-rate, every able-bodied man, if married, is, when out of employment, immediately placed on the waywarden's list, and the number employed or set on varies according to circumstances ; they have no limit, but set on all who come. In October it varied from 10 to 12, at the beginning of the frost increased to 15, and since that further increased. It is a perfectly understood thing between the guardians and the waywarden, that the able-bodied married men are not to apply to the board of guardians, but at once to be put on to the surveyor's list, the wages varying between 7 s. and 8 s. per week, being lower than the general rate of wages of the district. In October last, when the number on the road got to 10 or 12, the waywarden, in consequence of it having been intimated to him that his accounts would be appealed against, went over to the Southampton railroad with 10 or 12 men to get work ; five or six of them were set to work, but followed him back the next day, and were immediately again employed on the roads ; these men were all habitual paupers, and preferred the small pittance of 7 s. per week for doing nothing, to high wages with more active employment. On one occasion during the last winter, a pauper, notorious for his insolence, threw himself out of employment, which he might have kept during the greater part of the bad weather. As his case was pretty generally known through the parish, the waywarden thought it prudent to refuse him employment for the moment ; the man went in consequence to the board of guardians, where he was also refused relief ; the result was he went to the railroad, where he stayed but a few days, not liking the hard work, and was on his return placed on the waywarden's list, where he at present remains, and probably will till harvest. On conversing with these men, which I am constantly in the habit of doing, they term themselves "road men," and assert their right to be placed on the roads as a condition of relief ; they state, without hesitation, that 7 s. or 8 s. per week on the road is better than 12 s. or 13 s. at the railroad, where, to use their own expression, they "*must* work." In December last some of these men were ditching for a farmer, but, the weather being very wet, on wet days they were put on the waywarden's list. Last year no surveyor was appointed by the parish, as none of the farmers would hold the office ; and it was determined, that the son of a small shopkeeper in the village should act and have 10 l. for the year ; the overseer to collect the rates, and pay weekly to the said so-called surveyor what he wanted for the men ; the surveyor to put on any one the guardian directed him to do. As a specimen of the items entered in the surveyor's account : last June a flint wall was built on one side of the church, and a number of the parish men were employed to wheel flints ; nearly double the quantity of flints required were wheeled into the churchyard, and then wheeled out again ; the pay for this job, I am informed, appears in the surveyor's account.

Another proof of the surveyor's rate being a poor-rate, will be found in the following : Some time since some digging was required for the site of the new union workhouse ; the parish of Somborne immediately supplied the hands required at a low rate of wages, and made up the difference to the men from the surveyor's rate.

He observes generally upon these practices—

There is no quarter where it has not been more or less used as a means of tampering with the labour market, and depressing the value of labour ; nor are the best managed unions unaffected by its influence, where the efforts of the guardians to counteract it are powerless against a parochial control, over which their authority as a board does not extend.

During the whole of the last winter labourers have been thrown out of employment and placed upon the roads at a reduced rate of wages, not because their labour was required there, nor because the waywarden considered the roads as a part of the labour market, but merely for the purpose of creating an artificial surplus to be supported temporarily by rate-payers, who had no interest whatever in their services, in order to afford an opportunity to their late employers to draught from them occasionally as it suited their convenience, being enabled at the same time to command their services at a rate of remuneration far below the general rate of wages of the district, which are obviously subjected to depression by the operation of such an abuse.

It will be needless for me to point out to you, whose knowledge on these points is universal and intuitive, how completely it is in the power of these parochial jobbers to counteract the fundamental principles of the new law, and to nullify the regulations which have been introduced for the suppression of the allowance system and general out-door relief to able-bodied paupers by these destructive practices.

A labourer with a wife and five children, if ordered into the workhouse, the cost of whose maintenance there would probably amount to about a guinea per week, is instantly referred to the waywarden, and taken into his employment at about 8 s. per week ; without such intervention, either the master (calculating upon his unprofitable sojourn in the workhouse) would be compelled by self-interest to take him back into his service at fair wages, or the man, if allowed to remain in the workhouse, would seek a more desirable and profitable market for his labour.

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The effect upon the moral condition of the labourer is lamentably injurious; he learns to prefer this degraded and ill-paid occupation because he is permitted to come to his work and leave it just when he pleases; the work itself is performed in a careless, slovenly manner, and, not being by measure, requires neither energy on his part or co-operation on that of his children to aid him in increasing the amount of his earnings; they are therefore allowed to remain in complete indolence at home, debarred from obtaining the advantages enjoyed by the children of other more fortunate labourers, and he himself, losing the opportunity and the inducement of procuring permanent employment, sinks at last into the condition of a thorough pauper.

Mr. Gulson, who has the superintendence of all the unions in Lincolnshire and Nottinghamshire, and the Doncaster, Ecclesall, Bierlow, Rotherham, Sheffield and Thorne unions, in the West Riding of Yorkshire, states:

With reference to the Highway Act, nothing can be more apparent to any one connected with the local administration of the country than the absolute necessity of a legislative enactment, which shall place in the hands of some fair representative body the whole care and management of the highways, and at the same time which shall constitute an efficient control over the purse of the rate-payers; for it is not only that the funds are now wasted and jobbed upon to an enormous extent, but what I conceive to be of much more vital importance as regards the welfare of the community, the highway purse is made the medium through which the labouring classes are pauperized and demoralized; and all that mismanagement of which the country so loudly and justly complained before the passing of the Poor Law Amendment Act will (if no measures are taken to prevent it) be transferred to the highway account, and the evil of the old system will thus in a very great degree be perpetuated.

It was only last week that it was stated at the Basford board of guardians how greatly such a measure was needed, and how greatly some of the parishes in that union had suffered, and are still suffering, from the present system in this respect.

In the parish of Ilkeston, for instance, during the past winter, the efforts of the board of guardians have been entirely thwarted by the road surveyor; a few of the dominant occupiers in that parish, who have set as many as 40 or 50 able-bodied labourers upon the roads, where they have been relieved just as under the allowance system according to the size of their families, and where I understand the men have wasted their time, done nothing in return, and of course are now prepared to expect the same provision whenever their employers again think well to send them to be maintained at the expense of others.

The authority of the board of guardians has in this parish been entirely set aside, their efforts have been rendered completely nugatory as far as concerns the able-bodied labourers (the class of all others to which the efforts of the boards of guardians are most usefully applied), and thus, unless the Legislature lends us assistance, the highways will become as great a medium for demoralization and pauperism as the poor-rate was seven years ago. I only give you this as one instance of the many which are constantly coming to my knowledge in the performance of my duty as assistant commissioner.

As regards the body or the board under whose superintendence the highways should be placed, I feel very confident that you will never get any so respectable, so intelligent, and, as a whole, so free from bias and indirect influence as the present boards of guardians. That the boards of guardians will be able to undertake this duty in addition to those now imposed upon them, I cannot for a moment doubt; their time is already much more at liberty than on the first constitution of the unions, so much so that at several of the boards in my district two hours is all that is required for the transaction of the business; and when a guardian comes from home the day is broken into, and he would be well able and willing to devote that additional time which would be necessary for the management of the highway union.

It appears to me that many advantages would arise from this arrangement:

1st. The board would, I think, be far the best that could be obtained, and if a separate board was elected for the purpose, I think it would certainly be inferior to the board elected for both purposes.

2d. By electing but one board for both purposes much time and trouble would be saved, and, in many instances, much unpleasantness and squabbling would be avoided; for if there are two elections instead of one, of course the inconvenience of election is increased.

3d. By placing the care of the highways under the same board a very great saving of time, and trouble, and expense would be spared to the members of the board; because if two boards sit there must be two journeys for the members of them, whilst if the same board manages both departments, the same day's journey and the same day's expense would answer for both purposes.

4th. Economy of management would be greatly consulted by having one board; the same clerk, the same auditor, would be able to undertake the duties for half the amount of remuneration that separate officers would require. The clerk's day is broken in upon, and if he can upon the one day transact the business of both departments, he can of course do so much more cheaply and economically than if two clerks had the business, or than if the clerk had to attend two boards on two separate days.

5th. The audit department I would particularly call your attention to. You know my opinion of the necessity of a change in respect to the audit of the parish and of the union accounts; and I hope the time is near at hand when the commissioners will be able to appoint

appoint auditors, whose duty it may be to travel from place to place, taking a regular circuit for the purpose of auditing; they should be men of standing, men totally unconnected with local influence, and men who would pay that strict attention to their duties, which they would be enabled to do if their whole time was thus occupied, and without which all audit must be inefficient and greatly wanting in its moral effect. Of course every observation made upon the audit of poor-rate applies equally to the audit of the highway-rate; and I would impress upon you the absolute necessity of placing the audit of the highway-rate under the same auditor as the poor-rate, who could not only do the duty cheaper than any other person, but who also would save much time and trouble to all the officers concerned, inasmuch as the audit would be effected at the same time and place as that of the other accounts, and by placing the two audits under the same officer you would be enabled to secure the services of gentlemen of standing and character.

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6th. The union officers might be brought in aid of the management of the highways. Of course a paid surveyor would be necessary in every union; he should devote his whole time and attention to the duty of his office, not following any other occupation whatever (the present salaries of the parish surveyors would very much more than remunerate this paid officer, they would indeed more than pay for the whole combined staff of officers). The relieving officers, whose duties lead them into every part of every parish, should make a weekly report upon the state of all the roads; this would cause them no additional trouble.

I should not advise the mixing up the relieving officers with the road management in any other way than so far as relates to reporting; they might each week report upon the good or bad state of the roads over which they have during the week travelled, and also as to the way in which any men employed upon those roads appear to be doing the work or neglecting it; in this way I think the relieving officers might be made very useful without at all interfering with their other duties, or causing additional expense.

For all these reasons I should regret seeing the management of the highways placed under any other body than the board of guardians; and I must again state my conviction that any new board elected for that purpose would be greatly inferior in all the requisites for properly conducting public business to the present boards of guardians, where the gentry, the yeomen, and the most intelligent occupiers constantly meet and act harmoniously together.

**Mr. Revans, the assistant commissioner in the East and North Ridings of York, observes :**

With respect to placing the roads under the board of guardians, in preference to creating a highway board: If a separate board was created, with very few exceptions the same individuals would be elected members of both; the difference would therefore be nominal. If a separate board is created, though composed of the same individuals as the board of guardians, a responsible audit of the accounts will be requisite to prevent improper charges and peculation, the latter being peculiarly difficult to prevent in road management.

As to the relieving officer acting as surveyor of the roads, there are several arguments in favour of such a junction of offices; the chief objection is, which of his qualities shall prevail in case he is deficient in one. He may be a very good road surveyor, but a very bad relieving officer. There is but one road union formed in this district; it is a union of 30 townships belonging to the Earl of Carlisle, at Castle Howard. The surveyor has charge of about 50 miles of road.

The saving which will be effected by a good management, as leading to a good system of making and keeping the roads, will be very considerable. I believe that not less than 40 per cent. may be saved, and the roads now nearly impassable might yet be kept superior to many of the present mail-coach roads. In one of the parishes in this district, bordering on a mail road, the cross roads cost more than the mail road per mile per annum, and yet there is ten times the traffic on the mail road, and it is in the best repair. The numerous petty divisions, with annually changed irresponsible ignorant roadwardens, lead to more evils in road management than did the same system in poor law management. I have passed over several miles of cross roads, and told with considerable accuracy when I passed from one parish to the other, by the different form and condition of the road.

**Mr. Stevens, the assistant commissioner acting in the counties of Derby, Leicester, and Rutland, states :**

It is most certain that we shall never be able to check able-bodied pauperism effectually till the roads are placed under a different control, and with proper restrictions there could be no better arrangement than giving the board of guardians of each union the duties of superintending and controlling the expenditure relating to them; but I would strongly urge upon your consideration the great tendency of some of the boards to relapse into the old system of relief. If there are not some clear enactments to prevent it, we shall inevitably see the roads as good a nursery for paupers under the Highway Act, as ever they were before under the administration of the old poor laws. Guardians now frequently request the surveyor to employ an applicant for relief, and I have often been obliged to admonish them for telling pauper applicants that "they must go to the surveyor, who will no doubt employ them." This is perfectly well understood by the paupers as a promise of out-relief, only in a different form, to evade the commissioners' regulations.

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I would

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I would recommend that the repair of all the roads should be performed by public contract, and then, and then only, shall we be able to secure to the good labourers their fair share of employment in this department.

The effort ought to be, to make all the road-work independent. Why should the good labourers be deprived of this market for their labour?

The contractors will, of course, take good care to employ those persons who will do the most work effectually in the least time; skilful labourers will be in request, and they will receive wages for this work according to their fair value in the market. This is far from being the case now, and it never will be, I am convinced, if the guardians are allowed to become employers of labourers for the repair of the roads. Such a system would be made a means of giving out-relief, and the board would soon assume the character of a labour agency office, than which nothing is more to be dreaded.

If they are, however, obliged to let the repairs of roads to an indifferent person who has only to think about his own interest, the necessary protection will be given to the independent able-bodied men, and, of course, proper security might be obtained easily enough for the due fulfilment of the contract.

**Mr. Tufnell, the assistant commissioner acting in the county of Kent and a portion of Sussex, answers :**

Though I foresee several evils from placing the highways under boards of guardians, I know no other bodies to whom they could be so safely and advantageously confided. The abuse of turning the highway-rate into a poor-rate, and thus continuing the old pauperizing way of giving out-relief to the able-bodied has not been extensively introduced into my district, but it does exist in several cases; and I have no doubt whatever that if not speedily checked, it will extend and become the source of many of the same evils that existed under the old administration of the poor-rates. I send you one letter from, I believe, the chairman of one of the Ashford unions complaining of the abuse. In the parish of Eastbourne the highway-rate amounts to nearly 300*l.* per annum, though the parish is by no means a large one, containing only 4,620 acres; and this sum amounts to only 1*s.* in the pound, and consequently it may be increased under the late Highway Act to 2*s.* 6*d.* in the pound, or 700*l.*, without any one controlling the surveyor, and this is equal to what the poor-rates properly administered will not exceed. The Romney Marsh auditor informed me, that when he cut off from the overseers' accounts some grossly improper charges, they immediately told him that they should put these charges on the highway or church-rates if they were not allowed them in the poor-rates. In one union, famous for its opposition to the poor-law commissioners, I found lately that an able-bodied man who had applied for relief had been sent to do nothing on the roads at 9*s.* a week, while two of his children had been allowed by the commissioners (improperly I think) to be taken into the workhouse. A short distance off there happened to be a railway forming at which this man could readily have earned 16*s.* a week; however, by this road-work, he was of course tethered to his parish, deprived of the motive to seek employment on the railway, and kept a pauper for the farmers' convenience.

**Mr. Gilbert states :**

My experience in the three counties of Buckingham, Devon and Cornwall, in which I have formed unions, enables me to confirm your statements that the funds raised nominally for the repairs of highways have been misapplied in many different shapes, and, amongst others, in maintaining a system approximating to that known as the allowance system, which existed under the administration of the old poor law. This evil would certainly be checked, and I hope entirely removed, by placing the highways under the management you have pointed out.

The abuses in the management of the funds raised for the repairs of the highways, the ignorance of the officers selected to superintend the repairs of the roads, and the generally inefficient state of the administration of this branch of local economy, may be traced to the same causes as those which induced the abuses under the poor law, viz. the narrow, limited, and confined sphere of action of each of the executives; the first consideration should be to extend these, and then to apply some power by which each of them may obtain the experience and benefit by the improvement of the others, and all be brought to act upon a uniform system, the best that the united practice and experience of all these executives point out.

**With reference to the additional labour proposed, he states :**

Many of my boards, with large populations, that at their early proceedings could scarcely dispose of the business between the hours of ten in the morning and ten at night, now commence their business at ten and finish at one or two; and I have good reason to think that, in less than another year, meetings once a fortnight, instead of every week, will be sufficient for all purposes connected with the relief of the poor.

At the present moment, many of my relieving officers are engaged in their districts only two or three days in a week, and on those days only for a few hours, and in time even this duty will be lessened; they may well act as assistant surveyors. The clerk to the board could easily add to his present duties those which may be required from a clerk to the

the guardians in respect of the highways; and if power is given, as I think it should be, to the commissioners, or some central authority, to add unions together for certain purposes, several unions may be united, the same as some of mine are for the appointment of auditor, for the purpose of having a common surveyor, whose whole time should be employed in the duty.

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Colonel Wade, the assistant commissioner acting in Cambridge, Essex, and part of Hertfordshire, states:

I am not aware of a single sound argument that can be advanced against a proposal for placing the parochial surveyors' department and the administration of the highway-rates under the control of the poor-law commissioners and superintendence of the boards of guardians; and if such is the case, I am at a loss to understand wherein would consist the necessity or advantage of having a second local board for managing the highways, with, of course, a separate establishment of paid officers.

I have already, in my report on the commissioners' minute and order respecting assistant overseers, expressed an opinion that, in regard to the general management, collection, and disbursement of parochial funds, and the superintendence of all work or employment to be paid for from the latter, there should be but one control, one administrative department, one set of paid officers, and one purse; and every day's experience convinces me that, until this is the case, the Poor Law Amendment Act cannot be said to be fairly tried, nor the public be fully aware of the capacity of the new system for benefiting the community.

That in unions which were, before the introduction of the new system, deeply pauperized, and of which the guardians, from whatever cause, do not yet recognise the soundness of the principles which would altogether abolish relief in aid of wages, and make the workhouse the sole test of destitution in the case of able-bodied applicants (of course except in sickness, &c.), the enforcement of those principles has had the effect of producing a misapplication of the funds at the disposal of the surveyor, there cannot be the slightest doubt; and in fact, on more than one occasion, when urging guardians to adopt sound practice as regards "out-door relief," and pointing out the benefits the new poor law has already conferred on the rate-payers, even where that practice has been only very partially introduced, I have been met by the reply, Why talk of the reduction of the poor's-rate, when the highway-rate is every day increasing.

With reference to question and answer 154, I will just remark, that there is no subject which I have so constantly urged on the guardians as this, that what are called "half men," poor, worn-out, infirm creatures, who are able to do odd jobs of work, but not sufficient to maintain themselves, and therefore receive some small allowance from the parish in addition to what they earn, should be altogether withdrawn from the labour market, and receive a full allowance adequate to their wants. This is in some unions a very numerous class, and where sound practice has not yet obtained a firm hold, the individuals of whom it consists are almost, without an exception, all employed by the surveyor; and yet, looking at the question merely as one of pounds, shillings and pence, there is no less economical arrangement; for it is by no means uncommon, in some of these unions, to meet with able-bodied men with large families applying for relief, not being able to procure work from a parish which has many miles of road to take care of, the whole work on which is in the hands of these semi-paupers, when it would be to the positive advantage of that parish, and but an act of justice towards its able-bodied labourers, to withdraw the former altogether from the labour market and give them a full allowance, and thus place the whole of the work in the country at the disposal of the latter. Two of the unions under my superintendence (one of them, the Bishop Stortford, from its first formation) have adopted this practice, and I am assured that the result has proved exceedingly beneficial.

Mr. Clive, the assistant commissioner acting in Carmarthen, Cardigan, Glamorgan, and Pembroke, states:

I have perused the evidence given by you before the Highway Committee, and have to observe thereupon, that much of the evil to which you have alluded is already existing within my district, and, I fear I must add, generally increasing.

I have at different periods within the last year heard from the auditors that the overseers have stated to them their determination to charge payments upon the highway-rate, which may have been struck off the poor-rate, and their consequent indifference as to the disallowance. A strong case occurred last week:

The auditor of the Llandilo union has till very lately, in spite of my remonstrances, allowed payments by way of salary to assistant overseers, not being sanctioned by the poor-law commissioners, or appointed by two magistrates under the statute. At the last audit, however, I compelled him to disallow such payments, and the consequence is that recourse has been immediately had to the highway-rate.

Within a week, I have received a communication from the chairman of the Haverfordwest union, stating that in that union, in many cases, assistant overseers are paid from the highway rate.

Great advantage will, I think, arise from submitting the highway-rate to the union auditor; but this will not be general until district auditors are appointed.

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In those unions (unfortunately not numerous in Wales) in which the business is conducted by intelligent farmers and tradesmen, with the co-operation of the magistrates, I have no doubt a great improvement will take place in the roads from the proposed alteration; but, upon the whole, I am not sanguine as to this part of the plan, although it will doubtless be an improvement on the present system.

Everything will depend upon the surveyor, whose appointment should not be left absolutely to the board; with a very few exceptions the fitness of any candidate for an office is the last consideration which occurs to the great majority of guardians for country parishes throughout this district.

Sir Edmund Head, the assistant commissioner acting in Hereford, Monmouth, Brecknock, and Radnor, observes:

In this portion of my district, no specific cases of misapplication of the highway-rate in aid of the poor-rate have been brought before me. I have little doubt, however, that such might be found, especially in the parish of Madley, in the Dore union, where they were in the habit, before the change of the law, of blending the operation of the two funds to a certain extent. That union does not yet possess an efficient workhouse, and I therefore have not made any particular inquiries as to their previous practice. In the course of this summer that want will be supplied. When I formed the unions in Cardiganshire (now under the care of Mr. Clive), I found many cases in which I felt convinced that pauperism was relieved by the employment of labourers (more or less unprofitable) on the parish roads. The proof of this practice in specific cases would be more difficult.

It may not be amiss to state, as an analogous instance of the facility at present existing for throwing on another fund charges which the law, as now administered, removes from the poor-rates, that in the parish of Bredwardine, in the Hay union, the churchwarden, who was also the guardian, had prepared to defray from the church-rate a variety of illegal charges; a friend of mine who has the management of the principal estate in the parish, says in his letter to me, "I discovered cottage rents, inquests making new poor-rates, dinners, all charged to this unfortunate church-rate; I took an account of the whole, of which you shall have a copy if you please."

With regard to the suggestion that it should be illegal for the guardians acting as waywardens to employ pauper labourers on the roads, all I fear is, the impossibility of giving full effect to such a prohibition, when it is the wish of the guardians to evade it. It will be an understood thing that the party's name is not put on the report and application book as wanting relief, but verbal mention will be made of his circumstances, and employment given accordingly.

There is no doubt, in many unions, the relieving officers on the present establishment have an interest in not reducing pauperism below a certain amount.

Mr. Day, the assistant commissioner acting in Salop, Carnarvon, Merioneth, and Montgomery, states that

In Montgomeryshire, the abuses are little short of those I have witnessed in Sussex; and in the more northern counties the peculiar relation which exists between the employer and the labourer, under which the latter is generally maintained in the house of the former, and receives only a small money weekly payment upon which to support his family, has introduced very generally, in one form or another, a system of relief in aid of wages.

At present in that part of my district no workhouses have been completed, and therefore it has hitherto been impossible to extirpate, or even to any great extent to reduce, the payments from the rates to able-bodied men; there has consequently, as yet, been no inducement to resort to this practice, nor will it arise till the workhouses are in complete operation; when that period shall arrive, I feel confident that a severe struggle will take place on the part of the employers of labour, not only against the necessary rise in wages that will ensue, but also against the change from the system of the hindsman to that of the labourer working for money. Every artifice, I am satisfied, will be resorted to to evade the law, and not only the highway-rates, but every public fund and public property will be the object of misappropriation for that purpose.

Mr. Voules, the assistant commissioner acting in Cumberland and Westmorland, observes:

1. That the practice of relieving paupers out of the highway-rates, in evasion of the regulations of the commissioners, does not obtain in my district; but inmates of the workhouses in some of the ununited portions of Cumberland, are allowed to work upon the roads, and to receive the excess of their earnings beyond the expense of their maintenance in the workhouse.

2. That it would be highly desirable to place the management of the roads under the boards of guardians; and that it is the opinion of practical men that such an arrangement would occasion a great saving of expense, and very much improve the condition of the roads.

3. That at present a great difficulty exists in getting roads repaired and in collecting the rates, particularly in the small and remote townships. Excuses are constantly made that the roads are not much used; that they are good enough for the inhabitants; and in these

excuses the surveyor, being also a resident, readily joins, to save himself trouble and expense; but that the neglect of the roads has been in some degree remedied since the new Highway Act came into operation.

4. That it is deemed highly expedient that paid officers should be appointed, both for the purpose of superintending the repairs of the roads and collecting the rates; and that the control of the guardians would be most salutary in checking the unnecessary expenditure which the ignorance or partiality of temporary surveyors often occasions, and that the parties opposed to this arrangement are only those who have been accustomed to work out their highway-rates by team work, to be performed or neglected as their indolence or caprice suggested.

5. That the general state of the highways is very bad, but not so much so as it was previously to the passing of the last Highway Act.

And lastly, as the result of my own observation on the state and condition of the highways, I would beg to refer you to the detail of the difficulties which I have experienced in travelling, when compelled to deviate from the turnpike roads, and which have been pointed out to you on several occasions in my reports.

Mr. Earle, the assistant commissioner acting in the counties of Stafford, Warwick, Worcester, and part of Northamptonshire, takes a peculiar view of the subject, which the Committee may wish to see fully stated. It is as follows :

I have delayed my reply to your circular of the 19th ult., accompanied by a copy of your evidence before the Committee on the Highway Act, in the hope of being able to collect the opinions of several persons who I consider qualified to estimate the value of the changes which you propose. In this expectation, however, from one cause or other, I have been disappointed, and I am therefore only prepared to give my own view of the subject. Still it is one which I have not unfrequently discussed with those members of the boards of guardians in my district, who feel a very zealous interest in the operation of the Poor Law Amendment Act, and in the affairs of their respective parishes and districts.

The connexion between the Poor Law Amendment Act and the management of the highways may not be very evident to all; but those engaged in the administration of the laws for the relief of the poor, must be alive to the danger of many of the very worst abuses being continued or revived by the misapplication of the funds professedly raised for the repairs of roads.

In my district, at present, I do not think that able-bodied labourers, unemployed by farmers, are maintained out of the highway-rates. Many aged persons, whose services in some cases are and in others are not worth their wages, are placed upon the roads and receive 4 s., 5 s., or 6 s. a week from the surveyor; but even in those cases the extent to which the abuse is carried is not very serious, and I do not think that the practice of placing old men on the roads materially interferes with the operation of the new poor law.

Its effect however upon the management of the roads must be bad, and the wages thus paid are comparatively unproductive.

It is needless for me, I presume, to give my opinion upon the manner in which almost all highways are now managed. Unless the influence of an extensive proprietor is exerted, there is invariably great neglect, greater ignorance, and a lamentable waste even in the expenditure of the slender funds which the parishes are willing to supply for the repairs of the roads; the office of surveyor is usually taken in rotation by the farmers, and in some quarters I have heard it asserted that the practice of each surveyor having the same amount of rate (whether expended or not), is perfectly understood. Although I have said that able-bodied labourers are not disposed of by placing them on the roads, yet I have heard very recently this consequence of the employment of an unprofessional surveyor complained of, namely, that labour is bestowed upon the roads at an improper season of the year. When materials ought to be applied, labourers happen to be scarce; the surveyor delays the needful reparation to the detriment of the road, rather than search for men; he afterwards finds them in his parish; the new materials are spread upon the road when in an improper state to receive them, and waste ensues.

Such is the ingenuity of some small farmers in raising the wages and means of procuring what they conceive to be cheap labour, that I am confident there will be no possibility of counteracting their efforts, so long as the highway expenditure is uncontrolled. For the sake, therefore, of the labouring classes, whose independence is always affected by such attempts; for the sake of the public and of the farmers themselves, I strongly advocate some extensive change in the administration of this branch of parochial expenditure.

I have more than once heard the establishment of county boards for the purpose suggested, but how elected, and for what sort of districts, has never been particularized. It is evident that if any given power extend over too wide a district there is a proportionate risk of profuseness.

Most agricultural unions would afford sufficient employment for a competent surveyor. I give this opinion with some confidence, from this circumstance: in three or four places in my district a union of parishes, for the purpose of appointing a surveyor under Mr. Lefevre's Highway Act, has been projected, and the salary (say 70*l.* a year) has not been thought too much for a small portion of a poor-law union to bear, and therefore I infer that a very adequate salary would be a light tax on most unions.

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I, of course, can give no estimate of the number of miles of highway in any union; but in a parish in Warwickshire, of 3,500 acres, there are nine miles, and I apprehend that a surveyor would be well employed were he to confine his attention to a single union of five miles' radius.

That a board of guardians have, or shortly will have, leisure to take in hand the management of the roads I have no doubt; but I am much deceived if many boards are composed of materials likely to maintain them in a state of better repair than they are at present. Many of the higher class of farmers do not appreciate good roads; their waggons are sent far out of their way to avoid the lightest toll, and they have a positive fear of good roads, as likely to entail upon them an augmented expense through an increased traffic on them. The influence of the gentry would be imperative; there is no sympathy between those who drive and those who ride on horseback, and if repairs are urged by the former they are opposed by the latter, on the very ground I mention. This, I fear, will be the greatest difficulty to be encountered, and I see no method of providing against it except such as may be found in lodging very large powers in the surveyor. He should be made responsible for the proper state of the highways; if so, he must have adequate funds at his command; but on the other hand, his demands on the several parishes could not be unlimited, and I would suggest therefore a maximum rate, varying however in different counties or districts, according to the cost of materials and other circumstances.

The maximum too might be fixed by the magistrates at quarter sessions.

The method of appointing the surveyor is of extreme importance; and on this point I could only say that I entirely agree in the suggestions you have made in your reply to query 179; and that some feasible plan might be drawn from them.

There would be great advantage in throwing some patronage, excluding the rest of the board, into the hands of the chairman and vice-chairman; and it seems to me that a voice in the appointment of a surveyor, though a trifling matter, would probably afford some inducement to the large proprietors and persons of influence to continue their connexion with the boards of guardians.

The necessity of placing the surveyors' accounts under an efficient audit is too evident to require any recommendation from me. Imperfectly as I fear the duties of auditor in some of my unions are performed, I have daily proof of the value of that officer; and I know that the words "the auditor will not pass it," whosoever may utter them, have checked many attempts to continue illegal practices.

It is perhaps no part of my duty to give you my opinion upon the policy of adding any further duties to those already imposed upon the boards of guardians. I have my misgivings. The cry against centralization and efficient control is very unmeaning, and ought not to prevail; but it may induce even the guardians themselves to object to the imposition of fresh duties, though sweetened by increased powers.

I wish, moreover, to remark upon one difficulty, which I have always practically experienced. Nothing is more easy than to declare by law that a board of guardians shall act for the whole union; nothing is more difficult to achieve in practice than to make them do so. In some quarters the management of the poor remains essentially parochial, even under the new system, except so far as it is controlled by the orders of the commissioners. If, then, the boards were invested with the management of the roads in detail, I am convinced each parish would still be permitted to expend as little as it pleased upon its own roads, and that in few cases would the control of the guardians produce any good results.

Mr. Newnham, the auditor of the Uckfield union, who has paid great attention to the subject of local administration, expresses the following opinions on the measure in question :

In reference to the application of the present staff of union officers to the administration of highway-rates, I shall venture to offer the following suggestions :

The offices of auditor, clerk, and collector, are perfectly available in both capacities as well to poor as highway-rate; the relieving officers I should employ as inspectors of roads only. Presuming the administration of the funds was placed under the control of the board of guardians, they should report weekly to the board their own observations as well as the complaints which any inhabitant may require to be brought before the board. They, the relieving officers, should *ex officio* prosecute for all nuisances and offences under the Act, under direction of the board, the expenses, if any, being paid from the rate.

The repairs of all roads should be by contract, and all officers and guardians should have no interest, either direct or indirect, in the profits arising therefrom, any more than they have in the supply of provisions. The superintendence should be under a district surveyor.

The advantages of a contract for the repair of the roads consist in the safeguard against the perversion of the rate, where, as has happened, a whole board is desirous to grant outdoor relief to the able-bodied, by giving them nominal work on the road, which a contractor would resist, and, as it would be his interest to obtain the maximum of labour from those employed, it would cease to become the retreat for indolence, which has too often been the case.

Again, in the combination of parishes, that parish which possessed the best resources as to its materials, would naturally object to having those materials applied to the repair of other roads than its own, unless sufficient compensation was awarded, as well for materials

as for wear and tear of roads, which would be much easier arranged by the contractor renting the quarry, than is likely to be done where local jealousies and interests will interfere.

The repairs by contract will also render the accounts less complex; the amount of those contracts will be regulated by the former average expenditure, and as the contractor would not, like the present paid surveyor, be obliged to attend the convenient seasons of his constituents, which being generally when the weather is so wet as not to allow of work being done on the land, and therefore the very period of all others when it ought not to be done on the roads, he will be enabled, under direction, to select the most seasonable times when it may be more effectually, and therefore more economically done.

The times for auditing and passing the accounts ought not to be coincident with those of the union, lest too great a pressure at one period on the officer's time might create delay.

Some power ought to be left in the hands of the guardians to compound, by accepting a certain sum from manors, hundreds, &c. &c., where bridges are to be kept in repair *ratione tenura*, as the small sums requisite for that purpose are not worth the trouble of collection; and therefore dilapidations on these bridges are sometimes allowed to accrue to a dangerous extent.

298. Do they point out any difficulty that they think might arise in adding these labours to the board of guardians?—Colonel A'Court thinks that his unions are not prepared for the performance of new duties, on account of the present extent of labour.

299. Lord Eliot.] I understand, then, from your answer that Colonel A'Court's objection was as to the time, and not to the principle?—This is his statement:

I am disposed entirely to agree with you, that the new unions are the most efficient bodies for the chief objects of local administration, provided the guardians have time and inclination to undertake other duties than those for which they were incorporated, and which have hitherto required so much of their attention. The greater part of my unions have been full two years in operation, and many of them may be considered as no longer in a transitive state. The pressure of applications for relief is no longer so severely felt, except under peculiar circumstances; but the business of the boards of guardians is still such as to admit of few instances of relaxation. As to the periods of meeting and the duration of the sittings, various attempts were made last summer to meet for the transaction of business only once a fortnight; and so long as the fine weather continued, this arrangement could be carried out without inconvenience either to the paupers, the officers of the unions, or to the guardians. On the approach of winter, a recurrence to weekly meetings became indispensable; I mention this to show that as yet the labours of the guardians have not very materially diminished in the winter season. Their attendance at the several boards has, nevertheless, been most exemplary; any extra duty, however, is often found to be irksome and inconvenient. This is shown by the too frequent remissness manifested by the workhouse visiting committees, more especially when such committees are made permanent at the commencement of the parochial year. My impression distinctly is, that any additional labours would be more than the guardians would for the present be willing to take on themselves.

300. Chairman.] In what part is Colonel A'Court?—Wiltshire. Sir John Walsham concurs generally, but states that it will be some little time before they are fully ready for the performance of the new duties. I have received on this subject from the chairman of the Guildford board, who has paid great attention to local administration, some suggestions, which might be submitted to the Committee. The point to which he addresses himself is as to the necessity of the towns contributing, and he adduces instances of the unfairness of the present mode of levying the tax, it falling so heavily and disproportionately on different parishes.

301. Does he suggest any remedy?—The extension of the area, making it a union rather than a parochial rate.

302-3. Do you know whether the commissioners at Somerset-house agree in the opinions that have been given by yourself and the assistant commissioners?—It has never been before the board regularly; and the only regular mode of obtaining the opinion of the board is by a written minute. The commissioners have not read, at least only one of the commissioners has read, the evidence, and he has expressed his concurrence in the general view, and stated that he thought that the evidence exhausted what could be said on the subject; but it has not been before the board collectively, nor have they given any opinion on it.

304. Mr. Tatton Egerton.] Mr. Power states that the practice of paying the poor out of the highway does not exist in that part?—The abuse is not so prevalent; but if the superintendence is to be given to any local body it cannot be given to any body so well as those having an expensive and well trained staff. I might add of myself, that in those districts where the amount of pauperism

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is comparatively low, where it is necessary to have a staff of paid officers, and where the demand for the services of persons of discretion renders the market price somewhat high, and the establishment consequently expensive, there both from the small occupation of their time by poor-rate matters, and the necessary heavy expenses of the establishment, I think it is peculiarly desirable that other functions should be given.

305. Do they recommend that the treasurer, clerk, and collector, should be identical for the highway and poor-law union?—They have not gone into the evidence on that part of the subject.

306. Mr. *Edward Buller.*] Supposing this change to be made, and the management of the roads be placed under the board of guardians, would you not apprehend that the board of guardians might abuse the highway rate, precisely as it has hitherto been abused by the parochial surveyors, by applying it as out-door relief?—Decidedly they may do that, and there is that danger I pointed out in my previous evidence; but I am of opinion that, from the constitution of the board, the danger is much less than would be experienced in any separate board; and if control be given that danger may be reduced, so as to render it comparatively of no very serious amount.

I beg leave to observe, that the great weight of practical testimony from chairmen of boards of guardians having at present a high average amount of pauperism to deal with, and the clear opinions in favour of the measure from a majority of the assistant commissioners whose districts comprehend some of the unions beset with the greatest present difficulties, do not permit me to entertain any of the doubts as to any serious present impediments which appear to be entertained by Colonel A'Court or Mr. Earle. It is to be borne in mind that the exercise of the proposed additional functions would not be required at every meeting, but only for short times, or at long intervals. The average length of time expended on the administration of relief to the poor by the boards of guardians, under the superintendence of Colonel A'Court, appears to be five or six hours once a week. Other boards have continuously expended seven or eight hours at each meeting. In many unions, where the number of paupers is greater than in Wiltshire, the business is despatched satisfactorily at meetings of about three hours' duration. The amount of time consumed in that county may be ascribable to local and unavoidable difficulties. At one board of guardians, where the number of paupers was upwards of 3,000, the business has been despatched satisfactorily in about three hours; and it has been shown to be probable that it might soon be performed in about two hours each week. At the board of guardians of Camberwell, where there are upwards of 1,100 paupers, the business has been despatched in about one hour. I would submit, however, that, taking into account the service to be rendered, the extension of the time of meeting by one hour or so once a month ought not to be accounted a grievous addition to their public duties, even if it were an addition, if it were not, as I submit that it is in reality, a diminution of their administrative duties; for if such duties are to be performed at all by men of the general rank and respectability of the guardians, there are few rural districts, and indeed very few urban districts, in which the business in question, as well as other administrative duties, would not fall upon the same persons who, as representatives of the rate-payers, constitute the boards of guardians. Now, if various administrative duties be generally performed by the same persons, it appears to me to follow demonstratively, that the expenditure of time and the inconvenience to those same persons must be much greater by the performance of the business at several separate boards, instead of performing all of them at one board. Beyond the relief in certain cases of emergency, the continuance of regular out-door relief is justifiable on no sound principle other than the plea of custom generated by mal-administration, of which the paupers were not the authors. But this plea (which, in so far as it implies a charge of severity against the system of in-door relief to legal and proper objects, is fallacious even as regards the greater proportion of the existing recipients of relief,) is inapplicable to new cases; and if the law be correctly administered, by confining all new cases not of emergency to relief in the workhouse, the business of the boards of guardians must so far diminish as to render short meetings fortnightly or monthly adequate to the performance of the duties. Many of them are now beginning to hold their meetings once a fortnight. With respect to the allusion of Mr. Earle as to the cry of centralization, I conceive that it is a cry to which

the

*Edwin Chadwick,  
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the few who use it can attach no definite ideas, and it has certainly had little influence even with the most ignorant. The phrase has been used against the destruction of the authority of local administrative bodies abroad, and the substitution of an inefficient and irresponsible agency by the general government. But even abroad, all those who call themselves the friends of popular liberty do not declaim against centralization, but against irresponsibility. Here, the phrase is used against a measure by which strong local administrative bodies of representatives have been created over the greater part of the country, where nothing deserving the name of systematised local administration has heretofore existed. The central board may be described as an agency necessary for consolidating and preserving the *local* administration, by communicating to each board the principles deducible from the experience of the whole; and, in cases such as those in which its intervention is now actually sought, acting by protecting the administration being torn by disputes between members of the same local board; between a part or a minority of the inhabitants and the board, and between one local board and another, and in numerous other cases affording an appeal to a distant and locally disinterested, yet highly responsible authority, which may interpose to prevent the local administrative functions being torn or injured by local dissensions. I feel confident that the more the subject is examined the more clearly it will be perceived that the great security for the purity and improvement of local administration must depend on a central agency. I apprehend that it would not be easy to find any branch of public administration abroad so far similar in constitution as to warrant any comparison; and I speak on information derived from French commissioners of inquiry, who have called upon me in the course of the inquiries which they have been directed to make into the administrative practice of this country, when I state that there exists in France nothing in practice similar to the new local administrative machinery and practice recently established in this country. There, several branches of administration, supposed to be under some efficient central system, are, as I am assured, under authorities as fragmentitious, as expensive and corrupt, as impervious to the light of experience and of publicity or improvement, as anything that has existed here. From these and other authorities it may be shown that, instead of following, we may take the lead in administrative improvement; and I know that the progress of the amended administration of the English poor laws is now the subject of anxious attention with a view to imitation on the continent. It is not long since that agents from the French Government were sent over to inquire as to the practicability of adopting the improvements in the new police of our metropolis. From a copy of an official report with which I have been favoured from Mr. Christophe, a French commissioner of inquiry who recently examined the administration of our prisons, it appears that he strongly recommends to his Government the adoption of the principles of improvement in prison administration recently sanctioned by our Government.

As the many who are interested in preventing that being done economically by large administrative and responsible bodies, which is now done expensively and badly by numerous and irresponsible authorities, will doubtless raise the indiscriminate cry of centralization as an obstacle to the improvement of the branch of local administration now before the Committee, they will perhaps permit me to observe further upon this subject, that in this country we are not without long established examples of centralization, good and bad. An instance of the latter is, I think, afforded in connexion with the management of the roads and public lands. During the time I was engaged as a commissioner of inquiry in making local investigations, the probability of obtaining public work was the frequent subject of examination. In answer to statements that there were no means of employment within the district, obvious improvements were pointed out; such as the improvement of a road and the erection of a bridge. The replies to such suggestions were frequently of this description: "We are fully aware of the advantages of doing what is recommended, but although the cost would not be more than three or four hundred pounds to do it, we find that it would be necessary to send to London to get an Act of Parliament; and that would cost six or eight hundred pounds." So with inclosures of small patches of land, and many minor improvements, the cost and trouble of obtaining the legislative sanction to them is much greater than any immediate benefit by which the Legislature may be moved to their adoption. The improvements which might be obtained by diverting and shortening roads, but for the want of legislative sanction, were stated to be very considerable, and the aggregate of these small

*Edwin Chadwick,  
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improvements were stated to be greater than the largest improvements which had been imagined. Here then the business might be said to be improperly centralized; that is to say, sent to be determined by the central Legislature, by sending parties from the locality at a great expense and serious delays,—to an authority usually determining these minor matters, after all, upon a very imperfect understanding of the matter determined. If it were thought unsafe to leave such questions to be determined under any available securities, solely by such local bodies as boards of guardians, and the intervention of any central body were thought necessary, then the experience of the central board (acting by the agency of an assistant commissioner who investigates on the spot questions as to one class of public works, namely, the erection of workhouses) would show that such questions might be satisfactorily determined within a few days instead of months, and at the expense of a few pounds instead of hundreds of pounds. The noble chairman of the Guildford union and others have, I believe, adverted to the necessity of devising some means for the local determination of such questions in respect to roads and other works. Those who raise the indiscriminate cry of centralization as a new arrangement in this country, might be asked whether they question the benefits of a centralized administration of justice, a centralized post, a centralized army, or a centralized navy, governed by central authorities exercising subordinate legislative powers, or legislating by general orders:

*John Tidd Pratt, Esq. called in; and Examined.*

*John Tidd Pratt,  
Esq.*

307. *Chairman.]* ACCORDING to the directions of the Committee, you have prepared a draft of the Bill that is now before us?—Yes.

308. In your opinion, is there any difficulty in amending the late Bill, and introducing the proposed clauses without repealing the whole Bill?—Certainly, I think there would be great difficulty without repealing the present Act.

309. Therefore, in your opinion, it would be desirable that the present Act should be repealed, and that a new Bill should be brought before Parliament with the clauses in the present Act, that those should be re-enacted, and that the clauses that are in this draft should be inserted?—Certainly.

310. *Lord Eliot.]* Are you aware of any objection to a power being given to magistrates of summoning on their own view a surveyor for neglect of duty?—There is no objection.

## A P P E N D I X.

## LETTERS READ BY THE CHAIRMAN.

LETTER from *G. Wood, Esq.*

Sir,

Rochford, Essex, 2 December 1837.

OBSERVING the appointment of a Committee to inquire into the operation of the recent Highway Act, permit me to offer a few remarks which have arisen during the year I served the office of surveyor, which I was induced to undertake in order to effect some necessary improvements in the parish.

Letters read by the  
Chairman.

I beg to call your attention to the 105th clause, which appears to give a general power of appeal against decisions of the justices, but which, on a recent occasion, in which however I was not a party, our sessions held that they had no power to hear an appeal against the disallowance of the accounts by the justices at a special session, held pursuant to the 44th section, the consequence of which decision was, that the surveyor, who, with the consent of a vestry, completed a stone curb, and purchased a water-cart, and watered the road, the cost altogether amounting to about 47*l.*, the whole of which, at the instance of a single individual, were disallowed by the justices in special session as improper, and the party being without remedy, has lost the amount, and notwithstanding the resolution of a parish vestry, carried by a majority of 40 out of 42. It appears to me, a general power of appeal ought to be given to the sessions, particularly, as is the case here, that the justices are interested in keeping down the expenditure to the prejudice of the public, being holders to the number of 700 or 800 acres of land each.

In this neighbourhood we have many small parishes, and it is extremely difficult to get a skilful person to repair the roads; and the consequence has been, and is, that the repairs are altogether neglected, or that a greater quantity of materials is used than is necessary, and the form and ground-work of the roads so much recommended is altogether lost sight of. I would beg your attention, therefore, to the more easily appointing district committees, and in fact making it compulsory instead of voluntary; and particularly, as the scope of repair can be better done in quantity by one person than by a number, to keep in repair the same scope in small parts.

I also beg to call your attention to the 74th clause, as regards impounding. The nuisance of cattle straying on the roads can only be felt by those residing in the neighbourhood of small towns and villages, to its full extent; and the number of accidents occurring at night from this cause, arising from the cattle, donkeys, and horses of persons, having no right whatever, makes it desirable that some more efficient means should be used to prevent it. The power to impound and sell ought to be simplified. Whoever reads this 74th clause attentively will find it so difficult of application, as to be almost nugatory, and I have found it so in practice.

The remaining subject to which I beg to call your attention is the number of gates existing in the country, across the highway, of no importance to the owners, but manifestly to the injury and annoyance of the public, and which could be easily dispensed with if the power were somewhere vested to compel their removal. The parties have a right to maintain them, it is true; and in former days, when the communications were of less extent, it was immaterial; but I can mention eight of these gates now standing, which are across highways of frequent use, of no benefit to the owners, but merely kept up because they will not be at the expense of making a hedge for a few rods; and at another place, there are 14 or 15 gates of the same kind, formerly necessary, but which, since the inclosed state of the country, can be entirely dispensed with, but no power exists to compel their removal; and the power to compel the owners to make them 10 feet wide, as mentioned in the 81st section, should be compulsory after a summons before a justice, and should not require a notice from the surveyor, who, in nine cases out of ten, is the guilty party.

There are many other points of minor importance to which I could call your attention; but these being the most prominent, I have ventured to address you. Trusting you will excuse the liberty I have taken,

I beg to remain your's, &c.

*George Wood.*

Letters read by the  
Chairman.

**LETTER from Mr. T. V. G. Dolling, of Liverpool, to Lord Viscount Sandon, M. P.**

My Lord,

30, Prescot-street, near Liverpool, 15 Dec. 1837.

I AM directed by the surveyors of the highways, and a numerous and highly respectable body of ratepayers of the township of West Derby, to solicit your attention to the 18th and succeeding clauses of the Highway Act (5 & 6 Will. 4, c. 40), in order that by your Lordship's interposition, and suggestions to the Chairman of the Select Committee now sitting to inquire into the operation of the Act referred to, certain clauses may be divested of their present ambiguity, and much misconception and inconvenience thereby prevented.

It will doubtless be obvious to your Lordship, upon a cursory perusal of the preamble of the 18th clause of this Act, particularly relating to a Board, that it is not carried out by subsequent clauses; and that the intention of the Legislature was, after the adoption or election of a Board in populous townships by two-thirds of the inhabitants in vestry assembled, the adoption of such Board should not be revoked at future vestry meetings; but that, where a Board had once been chosen, pursuant to the terms of the afore-cited Act, it should be incumbent on the vestry, annually, to renew or re-elect a Board, irrespective of two-thirds of the vestry, as in the first instance.

Through the loose manner in which several of the clauses are drawn on this point, and the difference of opinion which has obtained on the subject, this township has been subjected to very great annoyance and inconvenience.

It may be necessary to apprise your Lordship, that on the 29th of March 1836, a Board for the repair of highways in this large and populous township was elected, consisting of 18 members. The township was formed into six divisions, and each division assigned to three members, whose especial duties were to obviate complaints, by keeping upwards of 90 miles of road in an efficient state of repair.

The inhabitants were beginning to experience the beneficial effects of a system eminently calculated to check the improvident use of the highway funds, when at the commencement of the official year 1837, a few individuals (personally interested in perpetuating the irregularities which had for years grown up to the detriment of the ratepayers), considered that by assembling a number of persons of their own way of thinking, they could abolish what had taken place at the Easter meeting of 1836, and return to the former objectionable practice of electing three surveyors. A meeting accordingly took place; and because there happened to be a trifling majority, instead of two-thirds, in favour of a Board, it was decided that the Board no longer existed, by which course, the affairs of the township, as it regards the highways, have been seriously deranged, the roads inefficiently managed, and the surveyors in consequence been amenable to presentments at the court of quarter sessions.

If the insertion of a clause to the following effect were accomplished, the annoyance arising from late proceedings in our township would in future terminate; viz.

"Whereas doubts have arisen, whether after a Board shall have been formed in parishes where the population exceeds the number of 5,000, that such Board shall be deemed permanent for the purposes of this Act; Be it therefore further enacted, that it shall be incumbent on the rated inhabitants of such parishes to elect a Board for the superintendence of the highways, sewers, &c. annually."

It has also been questioned, whether it be imperative for a Board under the Highway Act to present their accounts annually before the magistrates at petty sessions, as the latter part of the 18th clause reads, "The said Board shall and are hereby directed to present to the vestry of the parish, for which they shall have acted, copies of all their accounts, and also of the minutes of their proceedings during the preceding year," by which it would appear that the Board's submission of their accounts, &c. to the vestry is all that is required.

Your Lordship's kindly conferring with (Mr. Barneby) the Chairman of the Select Committee on the Highway Act, and eliciting such information as may effect the subject of this communication, will greatly oblige the surveyors and ratepayers of the township of West Derby.

I have, &c.

(signed) *T. V. G. Dolling,*  
Clerk to the Surveyors of Highways, &c.

**LETTER from Sir James M'Adam to J. Barneby, Esq. M. P.**

Sir,

40, Charing Cross, 21 February 1838.

I must pray your indulgence, and that of the Committee on the Highway Act, to excuse my attendance on Thursday next, having fixed that day to attend a meeting of the trustees of the Oxford roads.

I avail myself of this opportunity most respectfully to offer my opinion upon the subjects you informed me the Committee were desirous of examining me upon:—1st. As to the expediency of forming the parish roads, comprised within the union of parishes for the administration of the poor laws, into districts, for the management and repair of the parish roads within such unions. I am decidedly of opinion that districts of parish roads so formed, and placed under the care of one or more competent surveyors, as the extent of the roads might render necessary, who should devote their whole time and attention to the service of the roads, would be attended with great public advantage. I am fully aware of the reluctance

reluctance and objections the Committee may feel to increase the labours and responsibility of the board of guardians, by adding the charge of the parish roads within the union to their other important duties; but I feel persuaded of the competency and great advantage of the control of the roads being placed in the hands of parties possessing so general and intimate a local knowledge of all circumstances connected therewith, and having an immediate interest in the good state of the roads; but the wisdom of the Committee will be enabled to determine in whose hands this important trust can with most advantage be placed.

Letters read by the  
Chairman.

The Committee will be enabled to ascertain how far parishes have availed themselves of the powers granted by the 13th and 14th sections of the 5 & 6 Will. 4, c. 50, to be united into districts, and whether it may not be advantageous to make a compulsory enactment in respect thereof, giving to parties affected the power of appeal to the quarter sessions. Were a measure of this kind established, a uniform system of economical repair and management might be introduced upon parish roads generally throughout the kingdom, and improvements effected by the power and means of such union districts, which at present bid defiance to any solitary parish to accomplish. It would also become the apparent interest of the district to suppress many unnecessary roads, and to improve those of general utility.

On the second point, as to the repair of the surface of roads over county bridges. The general practice at present is, for the trustees of the turnpike roads to repair such roads, in some cases receiving repayment for the expense thereof from the county. In many cases it is suffered to form part of the expenditure of the trust funds; and the same practice much obtains upon parish roads.

It will be obvious to the Committee that the turnpike-road surveyor, and the parish-road surveyor, are the parties who can execute this work at the least expense, they having labour, materials, &c. always at hand and at command; such isolated parts of roads would be repaired by the county surveyor at a very heavy expense. Parishes would have but little cause to complain of the expense of repairing the surface of such roads being made a fixed charge upon them, inasmuch as the cost is now liable to be defrayed out of the county rate, which is raised from the parishes generally. Parties holding mortgages on the turnpike tolls might with some reason complain of this being an unexpected burthen thrown upon the road, but I confess it would be so light a one as scarcely to be felt, and by such new arrangement the repair of those portions of road would be better secured.

I have, &c.

*James M'Adam.*

J. Barneby, Esq.

R E P O R T

FROM THE

SELECT COMMITTEE

ON THE

H I G H W A Y S   A C T;

TOGETHER WITH THE

MINUTES OF EVIDENCE,

AND APPENDIX.

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*Ordered, by The House of Commons, to be Printed,  
11 June 1838.*

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[*Price 8 d.*]

463.

# R E P O R T

FROM THE

## SELECT COMMITTEE

APPOINTED TO PREPARE

## MILITIA ESTIMATES.

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*Ordered, by The House of Commons, to be Printed,  
23 July 1838.*

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*Lunæ, 16° die Julii, 1838.*

*Ordered, THAT a Select Committee be appointed to prepare Estimates of the Disembodied Militia of Great Britain and Ireland, for a Year, to the 31st March 1839.*

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*Martis, 17° die Julii, 1838.*

And a Committee is nominated of—

Lord Viscount Howick.  
Sir Henry Hardinge.  
Mr. Fox Maule.  
Mr. Hume.  
Mr. Gore Langton.  
Colonel Perceval.  
Mr. Ayshford Sanford.  
Mr. Robert Gordon.

Lord Viscount Clive.  
Mr. Eaton.  
Mr. More O'Ferrall.  
Mr. Hawes.  
Mr. John Parker.  
Mr. Shaw Lefevre.  
And all Colonels of Militia.

*Ordered, THAT Five be the Quorum of the said Committee.*

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R E P O R T.

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THE SELECT COMMITTEE appointed to prepare ESTIMATES  
of the CHARGE of the DISEMBODIED MILITIA of *Great Britain*  
and *Ireland*, for a Year, to the 31st March 1839:—HAVE prepared  
the said Estimates accordingly, and agreed to report the same to  
**The House.**

23 July 1838.

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## ESTIMATES.

## DISEMBODIED MILITIA.

ESTIMATE of the CHARGE of the DISEMBODIED MILITIA of *Great Britain* and *Ireland*, from the 1st April 1838 to the 31st March 1839.

GREAT BRITAIN.	ESTIMATE to 31st March 1839.			ESTIMATE to 31st March 1838.		
	Nos.	AMOUNT.	Nos.	AMOUNT.		
<b>STAFF:</b>						
Pay of Adjutants - - each at 8 - per diem	89	£. 12,994 - -	89	12,994 - -		
- Serjeant-Majors - " - 1 10 -	89	2,977 15 10	89	2,977 15 10		
- Serjeants - - " - 1 6 -	640	17,520 - -	640	17,520 - -		
Contingent Allowance, at 6 d. per annum for each Private on the Establishment, 50,888 -	- -	1,272 4 -	- -	1,272 4 -		
Allowance for Medicines and Medical Attendance for 729 Men on the Staff, each at 2d. per week	- -	315 18 -	- -	315 18 -		
Clothing - - - - -	- -	- - - - -	- -	2,187 - -		
<b>TOTALS for the STAFF - - -</b>	<b>818</b>	<b>35,079 17 10</b>	<b>818</b>	<b>37,266 17 10</b>		
<b>ALLOWANCES to SUBALTERNS and SURGEONS' MATES disembodied at the Peace:</b>						
Lieutenants - each at 2s. 6d. per diem	427	19,481 17 6	443	20,211 17 6		
Ensigns - - - 2 - - -	52	1,898 - -	53	1,934 10 -		
Surgeons' Mates - - 2 6 - - -	34	1,551 5 -	36	1,642 10 -		
<b>TOTALS of Allowances to Subalterns, &amp;c.</b>	<b>513</b>	<b>22,931 2 6</b>	<b>532</b>	<b>23,788 17 6</b>		
<b>REDUCED ALLOWANCES to OFFICERS and SERJEANT-MAJORS on various Reductions of Establishment:</b>						
In 1799: } Adjutants - each at 4 - per diem	12	876 - -	13	949 - -		
39 & 40 } Serjeant-Majors - 1 - per diem	3	74 5 -	3	74 5 -		
Geo. 3, c. 44. } and 2 6 per week						
In 1816: Second Adjutants, each at 4 - per diem	3	219 - -	3	219 - -		
In 1829: 1 Paymaster, at 2 - per diem - 2 -						
2 ditto - 2 6 - - 5 -						
2 ditto - 3 - - - 6 -						
2 ditto - 3 6 - - - 7 -						
14 ditto - 4 - - - 2 16 -						
2 ditto - 4 6 - - - 9 -						
5 ditto - 5 - - - 1 5 -						
17 ditto - 6 - - - 5 2 -						
<b>45 Paymasters, at per diem £. 10 12 -</b>	<b>45</b>	<b>3,869 - -</b>	<b>48</b>	<b>4,179 5 -</b>		
<b>3 Surgeons, at 3 6 per diem - 10 6</b>						
13 ditto - - 4 - - 2 12 -						
2 ditto - - 4 6 - - 9 -						
18 ditto - - 5 - - 4 10 -						
6 ditto - - 6 - - 1 16 -						
<b>42 Surgeons, at per diem - £. 9 17 6</b>	<b>42</b>	<b>3,604 7 6</b>	<b>42</b>	<b>3,604 7 6</b>		
<b>Reduced Allowances, carried forward - £.</b>	<b>105</b>	<b>8,642 12 6</b>	<b>109</b>	<b>9,025 17 6</b>		

MILITIA ESTIMATES FOR THE YEAR 1838-9.

5

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

GREAT BRITAIN— <i>continued.</i>	ESTIMATE to 31 March 1839.			ESTIMATE to 31 March 1838.		
	Nos.	AMOUNT. £. s. d.	Nos.	AMOUNT. £. s. d.		
Allowance to Reduced Officers— <i>continued.</i>						
Brought forward - - -	105	8,642 12 6	109	9,025 17 6		
In 1829: 4 Quarter-masters } at 2 - per diem - 8 -						
6 ditto - 2 6 - - 15 -						
3 ditto - 3 - - - 9 -						
3 ditto - 3 6 - - 10 6						
5 ditto - 4 - - 1 - -						
1 ditto - 4 6 - - 4 6						
2 ditto - 5 - - - 10 -						
24 Quartermasters, at per diem £.3 17 -	24	1,405 5 -	25	1,450 17 6		
TOTALS—Officers reduced on Reduction of Establishment - - - - -	129	10,047 17 6	134	10,476 15 -		
RETIRING ALLOWANCES to Officers disabled by Age or Infirmity:						
s. d.						
Adjutants, each - at 8 - per diem - - -	22	3,212 - -				
Surgeons - - - - 6 - - - - -	21	2,299 10 -				
Paymasters - - - - 6 - - - - -	1	109 10 -				
Ditto - - - - 5 - - - - -	1	91 5 -				
Quartermasters - - 5 - - - - -	9	821 5 -				
Ditto - - - - 3 - - - - -	1	54 15 -				
TOTALS—Disabled Officers - - -	55	6,588 5 -	57	6,770 15 -		
TOTALS:		*				
Staff - - - - - - - - -	818	35,079 17 10	818	37,266 17 10		
Allowances to 513 Subalterns - 22,931 2 6						
Ditto - 129 Reduced Officers 10,047 17 6						
Ditto - 55 Disabled Officers 6,588 5 -						
697 £. 39,567 5 -						
Allowances to Officers - - - - -	697	39,567 5 -	723	41,036 7 6		
TOTALS—Staff and Allowances to Officers - £. 1,515	1,515	74,647 2 10	1,541	78,303 5 4		

6 REPORT FROM SELECT COMMITTEE APPOINTED TO PREPARE

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

GREAT BRITAIN— <i>continued.</i>			ESTIMATE to 31 March 1839.			ESTIMATE to 31 March 1838.		
Nos. of Men.	Each per diem.	Total per diem.	Nos.	AMOUNT.		Nos.	AMOUNT.	
	s. d.	£. s. d.		£. s. d.			£. s. d.	
176	4 1	3 9 8						
1,138	5	23 14 2						
391	6	9 15 6						
150	8	5						
192	9	7 4						
305	10	12 14 2						
1	11	—						
1,930	1	96 10						
138 { at various rates } from 1s. to 2s.		11 — 8 1						
4,421	Total per diem	£. 169 9 1 1						
	Total per annum	61,851 10 7 1						
Deduct,—		£. s. d.						
Probable Amount of unclaimed Pensions and Savings by Casualties, after providing for new cases		1,910 — —						
Poundage		3,008 — —						
		4,918 — —						
TOTALS—OUT-PENSIONERS of the British and Irish Regular Militia		4,421 56,933 10 7 1		4,648		60,069 13 9		
<hr/>								
LOCAL MILITIA OF GREAT BRITAIN:								
Reduced Adjutants, at 4s. per diem		— —	142	10,366 — —		151	11,023 — —	
TOTALS—Allowances to Officers		— —	142	10,366 — —		151	11,023 — —	
OUT-PENSIONS:								
Nos. of Men.	Each per diem.	Total per diem.						
	s. d.	£. s. d.						
13	5	5 5						
25	6	12 6						
33	8	1 2 —						
7	9	5 3						
34	10	1 8 4						
87	1	4 7 —						
199		£. 8 — 6		2,929 2 6				
Deduct,—								
Probable Amount of unclaimed Pensions and Savings by Casualties		£. s. d.						
90	— —	232 — —						
Poundage		142 — —						
TOTALS—Out-Pensions		— —	199	2,697 2 6		209	2,854 17 11	
TOTALS—Local Militia of GREAT BRITAIN		— —	341	13,063 2 6		360	13,877 17 11	
<hr/>								
GREAT BRITAIN:								
GENERAL RECAPITULATION:								
Regular Militia: Staff and Allowances to Officers			1,515	74,647 2 10		1,541	78,303 5 4	
Out-Pensions, including those of the Irish Regular Militia			4,421	56,933 10 7 1		4,648	60,069 13 9	
Local Militia: Allowances to Officers and Out-Pensions			341	13,063 2 6		360	13,877 17 11	
TOTALS—REGULAR and LOCAL MILITIA of Great Britain, including the Out-Pensions of the Irish Regular Militia			6,277	144,643 15 11 1		6,549	152,250 17 —	

## Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—continued.

IRELAND.	ESTIMATE to 31 March 1839.		ESTIMATE to 31 March 1838.	
	Nos.	AMOUNT.	Nos.	AMOUNT.
PAY of Adjutants - each at 8 <i>s.</i> - <i>d.</i> per diem	38	5,548 - -	38	5,548 - -
- Serjeant-Majors - 1 <i>s.</i> 10 <i>d.</i> -	38	1,271 8 4	38	1,271 8 4
- Serjeants - - 1 <i>s.</i> 6 <i>d.</i> -	250	6,843 15 -	250	6,843 15 -
Lodging and Fuel for Serjeant-Majors and Serjeants - - - - -	- -	1,096 15 10	- -	1,096 15 10
Allowance for Medicines and Medical Attendance, 288 Non-commissioned Officers, each at 2 <i>d.</i> per week - - - - -	- -	124 16 -	- -	124 16 -
Clothing - - - - -	- -	- - - - -	- -	864 - -
Contingent Allowance, at 6 <i>d.</i> per annum for each Private on the Establishment, 18,525 Privates - - - - -	- -	463 2 6	- -	463 2 6
Allowance for Agency, 285 Companies, each at 1 <i>l.</i> 5 <i>s.</i> per annum - - - - -	- -	356 5 -	- -	356 5 -
TOTALS for the Staff - - £.	326	15,704 2 8	326	16,568 2 8
ALLOWANCES to SUBALTERNS and ASSISTANT SURGEONS disembodied at the Peace:				
Lieutenants, each at 2 <i>s.</i> 6 <i>d.</i> per diem - - -	257	11,725 12 6	267	12,181 17 6
Ensigns - - - 2 <i>s.</i> - <i>d.</i> - - -	105	3,832 10 -	107	3,905 10 -
Assistant Surgeons - 2 <i>s.</i> 6 <i>d.</i> - - - -	14	638 15 -	14	638 15 -
TOTALS—Allowances to Subalterns, &c. - £.	376	16,196 17 6	388	16,726 2 6
REDUCED ALLOWANCES to OFFICERS on various Reductions of Establishment:				
In 1797: On the incorporation of the Drogheda with the Louth Militia—Adjutant, at 6 <i>s.</i> per diem - - - - -	1	109 10 -	1	109 10 -
In 1829: 2 Paymasters, at 2 <i>s.</i> p'diem, £. - 4 -				
2 ditto - - 2 <i>s.</i> 6 <i>d.</i> - - 5 -				
1 ditto - - 4 <i>s.</i> - - - 4 -				
6 ditto - - 5 <i>s.</i> - - 1 10 -				
7 ditto - - 6 <i>s.</i> - - 2 2 -				
18 Paymasters, at per diem - £. 4 5 -	18	1,551 5 -	18	1,551 5 -
Reduced Allowances carried forward - £.	19	1,660 15 -	19	1,660 15 -

8 REPORT FROM SELECT COMMITTEE APPOINTED TO PREPARE

Estimate of the Charge of the Disembodied Militia of Great Britain and Ireland—*continued.*

IRELAND— <i>continued.</i>	ESTIMATE to 31 March 1839.			ESTIMATE to 31 March 1838.		
	Nos.	AMOUNT.	Nos.	AMOUNT.		
<b>REDUCED ALLOWANCES to OFFICERS—<i>continued.</i></b>						
Brought forward - - -	19	£. s. d. 1,660 15 -	19	£. s. d. 1,660 15 -		
In 1829: 1 Surgeon, at 2s. 6d. p' diem - 2 6						
1 ditto - - 3s. 6d. - - 3 6						
6 ditto - - 4s. - - 1 4 -						
3 ditto - - 5s. - - 15 -						
5 ditto - - 6s. - - 1 10 -						
16 Surgeons, at per diem - £. 3 15 -	16	1,368 15 -	16	1,368 15 -		
2 Q <sup>r</sup> Masters, at 2s. 6d. p' diem - 5 -						
4 ditto - - 3s. - - 12 -						
4 ditto - - 3s. 6d. - - 14 -						
1 ditto - - 4s. - - 4 -						
7 ditto - - 5s. - - 1 15 -						
18 Q <sup>r</sup> Masters, at p' diem - £. 3 10 -	18	1,277 10 -	18	1,277 10 -		
<b>TOTALS—Officers on Reduction of Establishment</b>	53	4,307 - -	53	4,307 - -		
<b>RETIRIED ALLOWANCES to OFFICERS disabled by Age or Infirmity:</b>						
Adjutants - - at 8s. per diem - - -	10	1,460 - -	19	1,752 - -		
Surgeons - - - 6s. - - -	2	219 - -	3	328 10 -		
Quartermasters - 5s. - - -	1	91 5 -	2	182 10 -		
<b>TOTALS—Disabled Officers</b> - - -	13	1,770 5 -	17	2,263 - -		
<b>RECAPITULATION FOR IRELAND.</b>						
Staff - - - - -	326	£. s. d. 15,704 2 8	326	16,568 2 8		
Allowances to 376 Subalterns - 16,196 17 6						
Ditto - to 53 Reduced Officers 4,307 - -						
Ditto - to 13 Disabled Officers 1,770 5 -						
<b>442</b>	<b>22,274 2 6</b>					
Allowances to Officers - - - - -	442	£. s. d. 22,274 2 6	458	23,296 2 6		
<b>TOTALS — IRELAND</b> { Regular Militia, ex- clusive of Out-Pen- sions - - - }	768	37,978 5 2	784	39,864 5 2		
<b>TOTALS, GREAT BRITAIN</b> { Regular and Local Militia, including Out-Pensions of the Irish Regular Militia - - - }	6,277	144,643 15 11½	6,549	152,250 17 -		
<b>TOTALS for the DISEMBODIED MILITIA of GREAT BRITAIN and IRELAND</b> - - -	7,045	182,622 1 1½	7,333	192,115 2 2		

## MILITIA ESTIMATES FOR THE YEAR 1838-9.

		ESTIMATE to 31 March 1839.		ESTIMATE to 31 March 1838.		INCREASE 1838-1839.		DECREASE 1838-1839.		CAUSES OF INCREASE AND DECREASE.	
	Nos.	AMOUNT.	Nos.	AMOUNT.	£. s. d.	£. s. d.	No.	AMOUNT.	£. s. d.	£. s. d.	
<b>GREAT BRITAIN:</b>											
REGULAR MILITIA:	-	-	818	35,079 17 10	818	37,266 17 10	-	-	-	-	-
Staff Subalterns liable to serve	-	-	513	22,931 2 6	532	23,788 17 6	-	-	19	857 15 -	A biennial charge for clothing.
Reduced Officers, the greater part liable to serve	-	-	199	10,047 17 0	134	10,476 15 -	-	-	5	428 17 6	Casualties.
Disabled Officers	-	-	55	6,588 5 -	57	6,770 15 -	-	-	2	182 10 -	{ }
TOTALS for Staff, and Allowances to Officers	-	-	1,515	74,647 2 10	1,541	78,303 5 4	-	-	-	-	Ditto.
Out-Pensions of the Regular Militia of Great Britain and Ireland	-	-	4,421	56,933 10 7 1	4,648	60,069 13 9	-	-	227	3,163 3 1 1	Ditto.
TOTALS—Regular Militia	-	-	5,936	131,580 13 5 1	6,189	138,372 19 1	-	-	-	-	-
<b>LOCAL MILITIA:</b>											
Allowances to Reduced Adjutants	-	-	142	10,366 - -	151	11,023 - -	-	-	9	657 - -	Ditto.
Out-Pensions	-	-	199	2,697 2 6	209	2,854 17 11	-	-	10	157 15 5	Ditto.
TOTALS for Local Militia	-	-	341	13,063 2 6	360	13,877 17 11	-	-	-	-	-
TOTALS for Regular Militia	-	-	5,936	131,580 13 5 1	6,189	138,372 19 1	-	-	-	-	-
TOTALS for Great Britain	-	-	6,277	144,643 15 11 1	6,549	153,250 17 -	-	-	-	-	-
<b>IRELAND:</b>											
REGULAR MILITIA:	-	-	-	-	-	-	-	-	-	-	-
Staff Subalterns liable to serve	-	-	396	15,704 2 8	326	16,568 2 8	-	-	-	-	-
Reduced Officers, the greater part liable to serve	-	-	376	16,196 17 6	388	16,726 2 6	-	-	12	529 5 -	A biennial charge for clothing.
Disabled Officers	-	-	53	4,307 - -	53	4,307 - -	-	-	4	492 15 -	Casualties.
TOTALS, IRELAND, exclusive of Out-Pensions	-	-	13	1,770 5 -	17	2,263 - -	-	-	-	-	Ditto.
TOTALS, GREAT BRITAIN, including Out-Pensions for Ireland	-	-	768	37,978 5 2	784	39,864 5 2	-	-	-	-	-
TOTALS, GREAT BRITAIN and IRELAND	-	-	6,277	144,643 15 11 1	6,549	152,250 17 -	-	-	-	-	-
TOTALS, GREAT BRITAIN and IRELAND	-	-	-	-	-	-	7,333	192,115 2 2	-	-	-
TOTALS, GREAT BRITAIN and IRELAND	-	-	-	-	-	-	7,045	182,622 1 1 1	9493 1 - 1	9493 1 - 1	Decrease in the Year to 31st March 1839
	-	-	-	-	-	-	288	9493 1 - 1	-	-	988

R E P O R T

FROM THE

SELECT COMMITTEE

ON

MILITIA ESTIMATES,

FOR THE YEAR ENDING

31 MARCH 1839.



*Ordered, by The House of Commons, to be Printed,*  
23 July 1838.

# R E P O R T

FROM

SELECT COMMITTEE

ON

QUEEN'S PRINTER'S PATENTS  
(SCOTLAND).

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*Ordered, by The House of Commons, to be Printed*  
3 August 1838.

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*Sabbati, 14° die Julii, 1838.*

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*Ordered, THAT a Select Committee be appointed to consider of the Patents of the Queen's Printer and Stationer for Scotland :—And a Committee is appointed of—*

The Lord Advocate.	Mr. Villiers.
Mr. Goulburn.	Mr. Robert Steuart.
Mr. Hume.	Mr. Gally Knight.
Sir William Rae.	Mr. Wallace.
Mr. Robert Ferguson.	Sir George Sinclair.
Sir Robert Harry Inglis.	Mr. Loch.
Mr. Ord.	Mr. Brotherton.
Mr. Chalmers.	

*Ordered, THAT the said Committee have power to send for Persons, Papers and Records.*

*Ordered, THAT Five be the Quorum of the said Committee.*

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*Veneris, 3° die Augusti, 1838.*

*Ordered, THAT the Committee have power to report their Opinion to The House.*

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## R E P O R T.

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THE SELECT COMMITTEE appointed to consider of the PATENTS of the QUEEN'S PRINTER and STATIONER for *Scotland*; and who were empowered to report their Opinion thereupon to The House:—HAVE considered the matters to them referred, and have agreed to the following RESOLUTIONS:—

*Resolved*,—

1. THAT it appears to this Committee that the Patents granted to Her Majesty's Printers, Stationers, Booksellers, and Bookbinders, under the Great Seal of Scotland, dated 2d November 1785, for the period of 41 years from 17th July 1798, p. 251. will expire on the 17th day of July 1839, when all rights, privileges and profits enjoyed under those Patents will cease. Reports, 1832, King's Printer's Patent, App. (B.), 1835, p. 251.
2. THAT it appears that an agreement was made between the Lords Commissioners of his late Majesty's Treasury and the Patentees, commencing on 1st January 1834, that the supply of stationery, printing and bookbinding for the use of the Public Revenue Offices in Scotland by the Patentees should be discontinued, and that an allowance of 12½ per cent. upon the future supplies to those Offices by the Stationery Office in London should be paid as compensation for the profits before enjoyed by the Patentees, and that such compensation is to continue to be made until the 17th July 1839. Q. 1261 of Report on Printed Papers, 1835, p. 392. Q. 2, of Report of King's Printer's Patent, Scotland, No. 511, 1837.
3. THAT the amount received by the Patentees as compensation for their giving up their right to supply stationery and for printing for the Revenue Offices in Scotland, has been

For the year 1835	-	-	-	£.	478	2	8	<i>See Appendix (A.)</i>
„ 1836	-	-	-	450	4	—		
„ 1837	-	-	-	508	6	6		

and the same rate of allowance will be made up to the 17th of July 1839, after which time the amount of the said allowance will be saved to the public if the Patent shall not be renewed.

4. THAT the supplies of stationery, printing and bookbinding for the use of the Public Revenue Offices in Scotland have been made from the Stationery Office in London since January 1834, and it appears that by that change upwards of £. 6,000 per annum has been saved to the public, and the public offices in Scotland have been supplied in the same manner from the Stationery Office as the public offices in England have been. See Q. 3, of Report, 1837.

**REPORT FROM SELECT COMMITTEE ON**

**5. THAT** the introduction into Scotland of Bibles and Testaments, printed by the Universities of Oxford and Cambridge, by the Queen's Printers in England, as well as from every other place, has been prevented by the privileges of the Queen's Printers in Scotland, and that such privileges will continue until the 17th day of July 1839.

**6. THAT** it appears by the evidence before the Committee of 1837, and also from the Reports of previous Committees, that the price of Bibles and Testaments, of which Her Majesty's Printers have thus had the sole monopoly in Scotland, have been increased by that monopoly to a considerable amount, so as to interfere with the free distribution of the Scriptures; and that obstacles have been thrown in the way of devout persons obtaining such copies of the Sacred Volume as they wished to possess.

**7. THAT** in the opinion of this Committee, the Queen's Printer's Patents in Scotland should not be renewed, and that the people of Scotland should have the advantage of the competition which the free introduction of Bibles and Testaments from the presses of the Universities of Oxford and Cambridge, and from Her Majesty's Printers in England and Ireland will afford.

**8. THAT** the Committee recommend, that the General Assembly of the Church of Scotland, and also each of the Universities of Aberdeen, Edinburgh, Glasgow and St. Andrew's shall be empowered, by License from the Queen, to appoint a Printer of the Holy Scriptures, under their authority, and subject to such conditions, as to security for the accuracy of the text, as they shall respectively sanction.

**9. THAT** in the opinion of this Committee other persons in Scotland should be permitted to print and publish Editions of Bibles, Testaments and Psalms, on their finding security to the Queen's and Lord Treasurer's Remembrancer, for the conformity of the text with the version now printed by Her Majesty's Printers in Scotland.

**10. THAT** it should be made an indictable offence to interpolate or corrupt the text of any edition of the Bible professing to be the same version as that which was formerly printed by Her Majesty's Printers; and that such editions may be interdicted and seized.

**PROCEEDINGS**

## PROCEEDINGS OF THE COMMITTEE.

*Veneris, 20° die Julii, 1838.*

## PRESENT:

Mr. Hume.	The Lord Advocate.
Mr. Chalmers.	Mr. Brotherton.
Mr. Wallace.	Sir Robert Inglis.
Mr. Goulburn.	Mr. Gally Knight.

The LORD ADVOCATE called to the Chair.

*Mercurii, 1° die Augusti, 1838.*

## PRESENT:

The LORD ADVOCATE, in the Chair.

Mr. Wallace.	Mr. Chalmers.
Mr. Villiers.	Mr. Brotherton.
Mr. Hume.	Sir Robert Inglis.
Mr. Gally Knight.	

The Resolutions proposed for the consideration of the Committee, Read 1°.

The first Six Resolutions read 2°, considered, and agreed to, with Amendments.

The Seventh Resolution again read, and considered.

Question proposed (by Sir Robert Inglis), To leave out the words " Printers in Scotland should be allowed to print the Sacred Scriptures, after the 17th of July 1839, in such editions as they shall think fit to publish, due security being taken for accuracy of the text, and"

Question,—“ That the words proposed to be left out stand part,” put, and negatived.

Question proposed (by Mr. Hume), After “ Committee,” to insert “ the Queen's Printer's Patents in Scotland should not be renewed, and”

Question put.

The Committee divided.

AYES, 6.

Mr. Gally Knight.  
Mr. Brotherton.  
Mr. Villiers.  
Mr. Chalmers.  
Mr. Wallace.  
Mr. Hume.

NOES, 1.

Sir Robert Inglis.

So it was resolved in the affirmative.

Seventh Resolution so amended agreed to.

Eighth Resolution considered.

Question put, in line 2, to leave out “at,” and insert “ of.” In line 3, after “ empowered,” to insert “ by license from the Queen.” In line 4, after “ conditions,” to insert “ as to

security for the accuracy of the text,"—and to leave out from "sanction," to the end of the Resolution."—Agreed to.

Question proposed (by Mr. *Hume*), "That Resolution so amended be agreed to."

Question put.

The Committee divided :

AYES, 6.

Mr. Hume.  
Mr. Wallace.  
Sir Robert Inglis.  
Mr. Gally Knight.  
Mr. Brotherton.  
Mr. Villiers.

NOES, 1.

Mr. Chalmers.

So it was resolved in the affirmative.

Ninth Resolution proposed (by Mr. *Hume*) read.

Amendment proposed (by Mr. *Chalmers*) to leave out all the words after "Psalms," and to insert the following, "the risk necessarily incurred in publishing, and the competition of other printers, being sufficient securities for the accuracy of the text."

Question put, "That the words proposed to be left out stand part."

AYES, 6.

Mr. Hume.  
Mr. Wallace.  
Mr. Gally Knight.  
Mr. Brotherton.  
Mr. Villiers.  
Sir Robert Inglis.

NOES, 1.

Mr. Chalmers.

So it was resolved in the affirmative.

Question put, "That the Committee do agree to Resolution No. 9.

AYES, 5.

Mr. Hume.  
Mr. Wallace.  
Mr. Gally Knight.  
Mr. Brotherton.  
Mr. Villiers.

NOES, 2.

Sir Robert Inglis.  
Mr. Chalmers.

So it was resolved in the affirmative.

Tenth Resolution considered.

Amendment proposed, After "printers," to insert "and that such editions may be interdicted and seized." Question put and agreed to.

Resolution so amended agreed to.

*Ordered*, That the Chairman do report the Resolutions to The House.

[Adjourned.]

**APPENDIX (A.)**

**EXTRACT from NOTES of Mr. Henderson, Manager of the Queen's Printing Office  
in Scotland, to Sir David Hunter Blair, Bart., dated Blair-street, 23 February 1838.**

**COMPENSATION received from the Stationery Office:**

	<i>f. s. d.</i>
<b>In 1835</b>	478 2 8
<b>1836</b>	450 4 -
<b>1837</b>	508 6 6

---

R E P O R T

FROM

SELECT COMMITTEE

ON

QUEEN'S PRINTER'S PATENTS  
(SCOTLAND).

*Ordered, by The House of Commons, to be Printed,*

*3 August 1838.*

# R E P O R T S

FROM

THE SELECT COMMITTEE OF THE HOUSE OF LORDS

APPOINTED TO INQUIRE INTO

THE PRESENT STATE OF THE LAWS

WHICH REGULATE THE

CARRIAGE OF PASSENGERS FOR HIRE  
UPON THE RIVER THAMES,

AND TO CONSIDER AND REPORT:

WITH THE

MINUTES OF EVIDENCE

TAKEN BEFORE THEM.

(SESSIONS 1837 & 1837-8.)

[COMMUNICATED FROM THE LORDS, 15TH MAY 1838.]

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*Ordered, by The House of Commons, to be Printed,  
6 July 1838.*

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REPORT OF 1837 - - - - - p. 3

MINUTES OF EVIDENCE - - - - - p. 4

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REPORT OF 1837-8 - - - - - p. 23

Evidence referred to in this Report - - - - - p. 4

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LIST OF WITNESSES.

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Mr. William Mark Fladgate	-	-	-	-	-	-	p. 4
Mr. John Eggar Cooper	-	-	-	-	-	-	p. 9
Mr. Squire Knight	-	-	-	-	-	-	p. 11
Mr. William Nokes	-	-	-	-	-	-	p. 13
William Andrew Cadwell	-	-	-	-	-	-	p. 15
Mr. Andrew Leighton Leith	-	-	-	-	-	-	p. 17
Mr. William Mark Fladgate	-	-	-	-	-	-	p. 19
Mr. John Banyon	-	-	-	-	-	-	p. 19
Mr. John Eggar Cooper	-	-	-	-	-	-	p. 19
Mr. John Matthews	-	-	-	-	-	-	p. 20

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## R E P O R T :

(1837.)

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BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE to inquire into the present State of the LAWS which regulate the CARRIAGE of PASSENGERS for HIRE upon the River THAMES; and to consider and report:—

ORDERED TO REPORT,

THAT the Committee have met, and have considered the matter to them referred, and have examined several Witnesses; but they have not agreed on any Report to be submitted to the House.

AND the Committee have directed the EVIDENCE taken before them to be laid before your Lordships.

15 July 1837.

## MINUTES OF EVIDENCE.

*Die Martis, 13° Junii, 1837.*

THE EARL OF DEVON IN THE CHAIR.

Mr. *William Mark Fladgate* is called in ; and Examined, as follows :

Mr.  
W. M. Fladgate.  
\_\_\_\_\_  
13 June 1837.

YOU are a solicitor ?—I am.

Have you had occasion lately to consider the state of the law with respect to the carriage of passengers for hire on the River Thames ?—I have.

Have you drawn up a statement of the present law, so far as you understand it ?—I have read the Watermen's Act of the 7th and 8th of George the Fourth and the bye-laws made by the corporation of London pursuant to that Act, and the bye-laws by the master and wardens of the Watermen's Company ; and I have drawn an analysis of all the Clauses and all the bye-laws which I think can at all bear upon the question of the employment of steam-boats on the River Thames.

Can you furnish the Committee with a copy of that statement ?—I can.

[*The Witness delivers in the same, which is read ; and is as follows :*]

Short Statement of the Law touching Steam-boats navigating the River Thames between Windsor and Yantlet Creek, resulting from the construction put by certain of the Magistrates upon the Act, called "The Watermen's Act."

The Watermen's Act, 7 &amp; 8 Geo. 4, c. 75., amongst local Acts, passed 14th June 1827, is called "An Act for the better Regulation of the Watermen and Lightermen on the River Thames, between Yantlet Creek and Windsor ;" and the following is a statement of the principal enactments bearing upon the question of the liability of steam-boats :—

Clause 1 recites certain Acts relative to the Thames watermen, and which are repealed by the present Act, and recites, that the purposes of such Acts would be better effected if "the watermen, wherrymen and lightermen on the river Thames at and between Windsor aforesaid and Yantlet Creek, in the county of Kent," were incorporated, and the several laws respecting them were consolidated and amended.

Clause 3 enacts, that the provisions of the Act shall extend to all parts of the river from New Windsor to Yantlet Creek.

Clause 4 enacts, that after the 1st day of August next, after the passing of the Act, the company of "Watermen, Wherrymen and Lightermen" shall be one corporate body, by the name and style of "The Master, Wardens and Commonalty of Watermen and Lightermen of the River Thames," and by that name shall have perpetual succession and a common seal, and shall sue and be sued.

Clause 5 enacts, that the company shall consist of the watermen, wherrymen and lightermen whose names have been registered by the overseers and rulers of the said company, in pursuance of the Acts recited, previously to the passing of the present Act, and who shall be called freemen of the said company, and of such other persons as shall be admitted freemen of the said company, as thereafter is mentioned.

The Act then contains certain enactments relative to the master and wardens of the Company, and appoints certain persons therein named to fill those offices, and give directions as to holding courts.

Clause 25 directs court to appoint plying-places and causeways adjoining or near the river, and of passage and other boats used for conveying persons for hire.

Clause 26 enacts, that at the court to be held next after the 1st June in each year, five members shall be appointed a court for the admission of freemen, and the execution and assignment of indentures of apprenticeship ; and no indenture of apprenticeship, or the assignment of any apprentice, or admission of a freeman shall take place except at a meeting of such court ; and the court shall admit to be freemen of the said company such persons as shall have duly served their apprenticeship "to watermen or lightermen, or widows, now or hereafter authorized to take such apprentices, and no other persons ; and such persons, when admitted by the said court and sworn as thereafter is mentioned, shall become freemen of the said company."

Clause 28 prescribes seven years as the term of apprenticeship.

Clause

## CARRIAGE OF PASSENGERS ON THE THAMES.

5

Clause 37 enacts, that if any person, not being a freeman of the company, or an apprentice to a freeman or to the widow of a freeman, (except as thereafter mentioned, which exception is not applicable to steam-boats,) shall at any time act as a waterman or lighter-man, or ply, or work or navigate, or cause to be worked or navigated, any wherry, lighter or other craft upon the said river from or to any place or places, or ship or vessel, within the limits of the Act, for hire or gain, every such person shall forfeit for every such offence any sum not exceeding 10*l.*

Mr.  
W. M. Fladgate.  
13 June 1837.

N. B.—It might be fairly contended, that if steam-boats at all are within this Clause all steam-boats are so, even the foreign boats; they are navigated for hire within the limits from London, although they go beyond such limits.

Clause 38 enacts, that the court of master, wardens and assistants shall grant a license to any freeman of the company, or the widow of any freeman, to work any wherry, boat or other vessel for carrying passengers, on a certificate verified on oath of the burthen, size and dimensions, according to the bye-laws to be made for that purpose, in which license shall be expressed the number of passengers such vessel shall be permitted to carry; and such license shall contain a number for such wherry, boat or vessel, which shall be registered in a book to be kept for that purpose; and the owner shall cause such number, with his name, to be painted on such vessel in such manner as described by the bye-laws; and no wherry, boat or vessel belonging to any freeman or the widow of any freeman, shall be allowed to ply for hire without such license; and if any "wherry, boat or other vessel shall be used or worked without such license for the same having been first obtained as aforesaid," or without such name and number painted as aforesaid, the owner shall forfeit for every such offence any sum not exceeding 20*s.*; and if a greater number of persons than expressed in the license shall be carried in any such wherry, boat or other vessel, the occupier shall pay such penalties as in the Act mentioned.

Clause 39 requires the names of persons keeping any lighter, barge or other boat or craft for carrying goods without passengers, and the names of such boats, to be registered, and a number taken, and the name of the boat and the number to be painted thereon.

Clause 40 requires every person not residing within the limits of the Act who shall keep any vessels for the carrying of goods, wares or merchandize navigated within the limits to cause his name to be painted in manner specified in the Act.

Clause 41 enacts, that the court of master, wardens and assistants shall, upon the request in writing of every person keeping within the limits of this Act any wherry or other boat to be let out for hire or gain, cause the names and places of abode of such persons to be registered in books to be kept for that purpose, and also cause a number for each wherry or boat to be delivered to such person, which number is to be painted on the boat as therein mentioned; and if any such person shall neglect to register such wherry or boat, or such number to be painted, he shall for every such offence forfeit any sum not exceeding 40*s.*

Clause 56 gives power to the court of master, wardens and assistants to make bye-laws for the good government of the company, and to annex reasonable penalties for breach of such bye-laws, not exceeding 5*l.* for each offence, and to alter the bye-laws; but such bye-laws and alterations must be approved of by the court of mayor and aldermen, and, after approval, allowed as thereafter mentioned.

Clause 57 enacts, "that it shall be lawful for the said court of mayor and aldermen to make in writing such rules and bye-laws as they shall think proper for the government and regulation of the freemen of the said company, and their widows and apprentices, and the boats and vessels, and other craft to be rowed or worked within the limits of this Act," and to annex reasonable penalties, not exceeding 5*l.* for any one offence, provided the same rules or bye-laws be not inconsistent with any of the laws of this kingdom, or the provisions and directions in this Act contained, or any of them; and also from time to time to alter, amend, repeal or make void such rules and bye-laws, or any of them, or any rules or bye-laws made by the court of master, wardens and assistants, so as after the making, altering, amending or repealing thereof respectively the said rules and bye-laws, and every alteration and repeal, be allowed as thereafter mentioned.

Clause 58 directs, that no rules or bye-laws, nor any alteration, shall be valid, unless allowed by a Judge or Baron.

Clause 74 enacts, that in case any freeman or apprentice, or other person, shall offend against this Act, or any bye-laws made and approved pursuant thereto, it shall be lawful for the lord mayor, recorder or any alderman of London, or any justice of the peace for the counties adjoining the said river between Yantlet Creek and Windsor, within their respective jurisdictions, upon complaint of any offence committed within his jurisdiction, within thirty days after such commission, to summon the offender, and in case of non-appearance to issue his warrant for such offender's apprehension; and if the party accused be convicted of any such offence, to impose a fine upon such offender not exceeding the penalties inflicted by the Act or by the bye-laws, and to cause such fine to be levied by distress, and in case of non-payment to commit offenders.

Clause 90 gives an appeal from all convictions under authority of Act, to the justices of the peace at the next general or quarter sessions, or if such sessions be held within ten days after the conviction, to the sessions following such next general or quarter sessions.

Clause 91 enacts, that the proceedings are not to be quashed for want of form only, or to be removed by certiorari or other writ or proceeding whatsoever into any of His Majesty's courts of record at Westminster.

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Clause 101 provides, that nothing in the Act (except the provisions requiring the name of the barge or craft, and of the owner, to be painted thereon), shall extend to any western barges, and nothing in the Act shall extend to any ferry boats.

Clause 102 provides, that nothing in the Act shall prevent any person from using and rowing by their servants "any lighter or other large craft for carrying their own goods," provided such servants be freemen or apprentices to freemen, or the widows of freemen of the company.

Clause 103 enacts, that if such persons shall carry or cause to be carried in his or their lighter or lighters or other large craft, any passengers for hire or goods for hire or otherwise than their own as aforesaid, or shall row in, navigate or permit any person to row in, navigate or work any such vessel or vessels who is not a freeman or apprentice, he or they shall for every such offence forfeit any sum not exceeding 10*l.*

Clause 104 provides, that the owners of laystalls and of chalk hoys, and market gardeners, and fishermen and ballast-men, may use boats as heretofore in the exercise of their respective callings.

Clause 106 provides, that the powers given by the Act to the court of mayor and aldermen to make rules and bye-laws to be allowed as aforesaid, shall extend to the government and regulation of the western barges, ferries and lighters, boats and vessels of woodmongers and owners of laystalls, chalk hoys, gardeners, fishermen and ballast-men, and all other lighters, boats and vessels in the said river within the limits of the Act, although otherwise exempted from the provisions of the Act.

Clause 107 declares the Act a Public Act.

Purporting to proceed under the authority of this Act, a court of mayor and aldermen on the 15th April 1828, made certain rules and regulations, and the following is an abstract of such of them as it is apprehended bear upon the points at present under consideration :—

1. Every person residing or carrying on the trade or business of a waterman or lighter-man within the limits specified in the Act, who now keeps or hereafter shall keep any lighter, barge or other boat, craft or vessel used for carrying goods, wares or merchandizes, shall cause his name to be painted as in such bye-law mentioned, under a penalty not exceeding 5*l.*
2. Every freeman of the company, or the widow of every freeman, working for hire, any wherry, boat or other vessel for carrying passengers shall have a back-board to the same of not less than five inches in depth, and shall have his name, &c. painted in manner by such bye-law directed; and if any freeman of the company, or the widow of any freeman shall omit to have a back-board as aforesaid, or his name, &c., painted, or "if any person shall" use any such wherry, boat or other vessel without the real owner's name, &c., being painted, every person so offending shall pay a penalty not exceeding 5*l.*
3. If any woodmonger, or the servant or apprentice of any woodmonger or other person shall use any lighter, barge, boat or other craft for carrying goods for hire, such goods not being the property of such woodmonger or other person, he shall forfeit for every offence a sum not exceeding 5*l.*
5. That the burthen, size and dimensions of a boat or other vessel to carry eight persons, thereafter to be built, shall be as therein mentioned.

*N. B.*—There are no provisions whatever touching boats thereafter to be built to carry more than eight.

- 6 and 7, contain similar directions touching boats to carry six and four, thereafter to be built.
7. In all licenses to be granted by the master, wardens and assistants to any freeman, or the widow of any freeman, to work for hire any wherry, boat or other vessel already built for carrying passengers, not being of the size and dimensions before mentioned, the number of passengers shall be limited as near as can be according to the proportion such vessel shall bear to the respective scale of vessels therein before mentioned.
8. That every person keeping any wherry or other boat to be let out for hire, shall have his number, name and place of abode painted thereon in the particular manner specified in the now reciting regulations.
10. If any freeman or apprentice shall navigate or work any lighter, barge, wherry, boat or other vessel, without his own true name and number, or the true name and number of his master or mistress, he shall forfeit a sum not exceeding 40*s.*
14. Gives directions touching passage-boats.
33. That if any person shall act as master or chief steersman of any steam-boat or sailing passage boat or vessel until approved and licensed so to do by the master, wardens and court of assistants, every person so offending shall for every offence forfeit any sum not exceeding 5*l.*; and no master or chief steersman of any steam-boat or sailing passage boat shall carry a greater number of persons than expressed in the license granted for such boat; and the tonnage of every such boat, and the number of passengers allowed to be carried therein, shall be painted in a conspicuous part of such boat; and if any master or chief steersman of such boat or vessel shall carry more than the number expressed in such license, or shall work such boat or vessel without the true tonnage and number of persons allowed to be carried therein painted thereon, every person offending shall forfeit for each offence any sum not exceeding 5*l.*

38. If

38. If any freeman or apprentice shall permit to row or navigate any lighter, barge, boat or other craft any other person, not being a freeman of the company, or entitled by law to work upon the river as a waterman, wherryman or lighterman, every person so offending shall forfeit for every offence any sum not more than 40*s.*, nor less than 10*s.*
40. Every freeman and apprentice shall take regular turns in receiving passengers or goods from steam-boats.
41. Steam-boats are to proceed on their voyages within fifteen minutes after the time prefixed for their departures.
42. Steam-boats are not to navigate between London Bridge and Limehouse, at a greater rate than five miles an hour.
55. That the foregoing bye-laws shall extend to the government and regulation of all western barges, ferries and lighters, boats and vessels of woodmongers and owners of laystalls, chalk hoys, gardeners, fishermen and ballast-men, and all other lighters, boats and vessels in the said river, within the limits aforesaid.

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These bye-laws were allowed by Mr. Baron Vaughan, on the 10th July 1828.

The master and wardens have also made certain bye-laws; the following is an abstract of two of them, which bear upon the present question:—

19. No freeman is to join in partnership in owning or occupying any barge, lighter or other craft for carrying goods, with any person not free, under a penalty not exceeding 5*l.*
20. No freeman who shall hire a boat of any person not free, and shall have his own name and number thereon, shall suffer such person to participate in the profits of his business; and no freeman is to permit any owners of any boat used in the river to use his name thereon, under a penalty not exceeding 5*l.*

These also were allowed by Mr. Justice Vaughan.

If steam-boats therefore are within the Act, they continue to run by sufferance only, unless the following requisites are complied with:—

First.—Under Clause 37 of the Act, none but persons free of the company can navigate them, or cause them to be navigated for hire; and by No. 38, of the bye-laws made by the court of aldermen, no freeman is to allow a person not free to work upon the river; so that unless watermen will learn the business of engineers, for which they are at present unfit, steam-boats cannot be navigated.

Secondly.—By Nos. 19 and 20, of the bye-laws made by the court of aldermen, freemen are precluded from entering into partnership for working or sharing the profits arising from steam-boats, with persons not free; so that the capital embarked in steam-boats must, it would seem, be found wholly by the watermen.

Thirdly.—Under Clause 38 of the Act, supposing the capital found, and the boats to belong to freemen, a license must be obtained from the master and wardens for each separate boat, which license is to specify, among other things, the number of passengers to be carried, and which license is to be granted according to the bye-laws to be made for the purpose; nevertheless in the existing bye-laws no provision is made for licensing any boat to carry more than eight passengers, which may be built after the date of the bye-laws; so that it would seem in strictness, that at present no license can be granted to those boats built since 1828, to carry more than eight passengers.

Who acts as clerk for the Watermen's Company?—Mr. Banyon.

Is he a solicitor?—He is not.

Were you concerned in a late proceeding against any parties who were engaged in steam navigation on the river Thames?—I was concerned for the London and Westminster Steam-boat Company. One of the directors of that Company, Mr. Leith, was summoned before the magistrates of Queen Square Police-office, and was convicted in a penalty of 10*l.* for a supposed infringement of the Act.

Were you present at the time of the hearing?—I was; I attended professionally on behalf of the company.

What was the nature of the evidence upon which that conviction was pronounced?—It was proved that Mr. Leith was a director of the company; that he had given directions to the servants of the company; that the servants of the company had taken hire for the conveyance of passengers in the steam-packet, and that he was not a member of the Watermen's Company.

Was judgment given at the same time the case was heard?—It was not given at the same time; it was postponed for three days, to consider of the determination.

Before how many magistrates was it heard?—It was heard before Mr. Burrell, Mr. Gregory, and another magistrate, I believe Mr. Heathcote; but the decision was given by Mr. Burrell.

Did it come out on that examination that the persons employed in the steam-boat were free of the Watermen's Company?—The principal witnesses examined were the servants of the London and Westminster Steam-boat Company, at least two of them; they were both of them free of the Watermen's Company, and that fact transpired.

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Was it proved that all the men employed, with the exception of the engineer, were freemen of the Watermen's Company?—It was.

Can you say, from your knowledge of the practice of the London and Westminster Steam-boat Company, whether it is their practice to employ none but members of the Watermen's Company, except the engineer?—My knowledge of their proceedings is such as to enable me to say that they employ none but those who are free of the company, with that exception.

Do you know whether any members of the Watermen's Company are competent to act as engineers to steam-vessels?—I know of none who are competent; and their own witness stated, on the hearing, that they were incompetent to it, and he was a waterman of some experience.

Is not the qualification for a waterman very different from that which is required for an engineer?—Totally different; and an engineer always receives higher wages than any of them.

Are you yourself aware of any other cases in which convictions have taken place?—Of my own knowledge I know of none. I have, in the brief I have drawn up, cited several of which I have heard; I have obtained information of the particulars of those cases as I could. It is principally extracted from the newspapers.

Is there any power of removing by certiorari a conviction of this kind from the decision of the magistrates?—None for the defendant; it is taken away expressly by the Watermen's Act; and, so far as I have been able to learn, there is no means of obtaining the decision of a superior court on a conviction framed under this Act.

Have you had occasion, in consulting upon this subject, to know whether the lawyers are all agreed upon the construction of this Act?—I have reason to believe that they are unanimously of opinion that steam-vessels are not within the Act. I have taken Mr. Kelly's opinion; I have seen the opinion of Mr. Adolphus; I have spoken to another counsel professionally, and others as matter of conversation, and I have found they were all of the same opinion upon the subject.

Would it satisfy the company you represent if an Act were passed giving a certiorari, so as to remove the case for the opinion of a superior court?—It would, no doubt, be very desirable to have that, rather than for the matter to be in its present state; but it would be still better to have the point settled, now that the question has been raised, and to have a declaration that this was not opposed to the Waterman's Act. Now that the demand of the public seems to require that the accommodation should be afforded, there would be considerable dissatisfaction, I fear, by the thing remaining in doubt. I would beg to state, that even if the directors were all free of the Watermen's Company, it would still be requisite, supposing a steam-vessel came within the Act, to have a special power of licensing it; for the 38th clause enacts, that any member of the company may apply to the master and wardens for a license for his craft, specifying, among other things, the number of passengers to be carried; and that is to be limited, pursuant to the bye-laws from time to time made for that purpose. I have referred to the bye-laws, and I find no provision whatever made for licensing any boat to carry more than eight passengers; so that if they were to license a boat to go to Gravesend, it must be one carrying only eight passengers.

Can the master and wardens refuse a license to any boat properly constructed?—I have understood that they are not restricted in their licenses to that number of passengers for the neighbourhood of Gravesend. Boats are licensed there for a larger number than eight, but I understand that is within an exception of the Act.

[The Witness is directed to withdraw.

Mr. Banyon, the clerk of the Watermen's Company, is called in, and informed, That a copy of the statement delivered in by Mr. Fladgate shall be furnished to him, for the information of the master and wardens, after which the Committee will desire their attendance, that they may state their views.

[He is directed to withdraw.

Ordered, That this Committee be adjourned to the 13th of July next.

Die

*Die Jovis, 19<sup>o</sup> Julii, 1857.*

The EARL OF DEVON IN THE CHAIR.

Mr. John Eggar Cooper is called in, and Examined, as follows :

ARE you a solicitor in London?—I am.

Are you solicitor for the Watermen's Company?—I am.

Have you seen the statement which was put in before this Committee on the last day of meeting, professing to give an account of the present state of the law relative to the watermen?—I have.

Have you any observations to make relative to that, or any information to give to the Committee explanatory of the present state of the law?—A statement has been prepared by the directors of the Watermen's Company, which I have the honour to produce.

[*The Witness reads the same, as follows :*]

The Statement of the Watermen's Company in reply to the "Short Statement of the Law touching Steam-boats navigating the River Thames between Windsor and Yantlet Creek, resulting from the construction put by certain of the magistrates upon the Act called the Watermen's Act," laid before the Select Committee of the House of Lords by Messrs. Clarke, Fynmore and Fladgate, the solicitors to the London and Westminster Bridge Steam-boat Company.

The Watermen's Company have to observe, that the short statement of the law as set out by Messrs. Clarke, Fynmore and Fladgate contains merely partial extracts from the Watermen's Act, with certain arguments thereon, apparently intended to show that steam-boats are not within the contemplation of the Act of Parliament. But, inasmuch as that question will have to be decided by a court of law, in an action in which Messrs. Clarke, Fynmore and Fladgate are concerned as solicitors for the London and Westminster Steam-boat Company, and as that question is also pending before Her Majesty's Court of Queen's Bench on a special case, and will probably come on for hearing in next Michaelmas term; and as both the above-mentioned cases may perhaps be brought before the House of Lords on appeal, as the highest court of judicature, the Watermen's Company consider it would be premature, by disclosing their case, to offer any arguments on the law of the subject, and they therefore most respectfully decline to do so; but they beg to submit to the Select Committee a copy of their Act of Parliament, and of the bye-laws which have at different times been made pursuant to the directions of the Act, and which, they humbly submit, will contain the law regulating the carriage of passengers for hire upon the River Thames, so far as relates to the Watermen's Company. But there are also certain bye-laws made by the master, wardens and assistants of the Trinity House for the government and regulation of mariners licensed by them to row and use boats and wherries on the River Thames, to which the Watermen's Company beg also to refer the Select Committee, as containing provisions for regulating the carriage of passengers for hire upon the River Thames.

In reply to the first observation of Messrs. Clarke, Fynmore and Fladgate, that unless watermen will learn the business of engineers, for which they are at present unfit, steam-boats cannot be navigated, the Watermen's Company beg to state, that, in looking at the 38th bye-law referred to by Messrs. Clarke, Fynmore and Fladgate, it will be seen that it is framed for the purpose of protecting the public, by preventing unskilful persons rowing boats or barges, or navigating craft on the river; and that the words of the bye-law "set at work to row or navigate" cannot by any possibility be considered to apply to engineers, who merely regulate the propelling power, and are not "set at work to row or navigate" the vessel.

In reply to the other observations of Messrs. Clarke, Fynmore and Fladgate, and to the apparent tenor of their extracts from the Act, the Watermen's Company have to observe, that previous to the passing of the Act they had, under the provisions of former statutes, the regulation of all boats and vessels whatever carrying goods or passengers for hire within the limits prescribed by those statutes, and that many steam-boats were at that time licensed by them; that it was never doubted by them that steam-boats were included within the regulations of their new Act; and in the first bye-laws which were prepared by the Court of Lord Mayor and Aldermen of the city of London, pursuant to the directions of the Act of Parliament, it was proposed to license steam-boats according to their tonnage, and the following bye-law was drawn:—

No. 28. That no person who shall act as master or chief steersman of any Gravesend boat, steam-boat or other passage-boat as aforesaid, shall receive or take into or have or carry on board his or their boat or boats above the number of five passengers for each and every registered ton burthen of such boat, and so after that rate; and the tonnage of every such Gravesend boat, steam-boat or other passage-boat, and the number of passengers allowed to be carried therein at the rate aforesaid, shall be painted upon the after or most conspicuous part of the

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companion bulkhead, in large capital letters and figures, not less than two inches long, and broad in proportion; and if any master or chief steersman of such boat shall receive or take into or have or carry on board such boat more than the number of passengers allowed to be carried therein as aforesaid, or shall work or use such boat without the true tonnage and the number of persons allowed to be carried therein painted thereon as aforesaid, or if any person shall wilfully conceal, obliterate or alter any of the words, letters or figures which shall have been painted on such boat as aforesaid, every person offending in any of the cases aforesaid shall forfeit and pay for every such offence a sum of money not exceeding five pounds.

And a similar bye-law was proposed for steam and other boats navigating between Woolwich and Windsor.

That the Watermen's Company were of opinion that the proposed number of passengers per ton was too great, and that two or at most three passengers per ton were as many as steam-vessels ought to carry, having a due regard to the safety of the public; but the court of Lord Mayor and Aldermen not agreeing in that view of the subject, the number of passengers per ton was postponed for further consideration, and the remainder of the bye-law was allowed and sanctioned by Mr. Justice Vaughan; and amongst the bye-laws so allowed, several contain provisions for the regulation of steam-vessels, which shows that the city authorities and the Judge considered at that time that they were within the contemplation of the Act.

That many captains of steam-boats, having infringed the regulations contained in the bye-laws, have been summoned by the Watermen's Company and others before the Lord Mayor, the magistrates at the Thames Police Office, and at other offices, and in which the question whether steam-boats were within the meaning of the Act has been raised; and in almost every case (with the exception of the first before Mr. Broderip, and who afterwards altered his opinion), the magistrates have decided that they were within the provisions of the Act; that many of such convictions have been appealed from to the quarter sessions, and such decisions have been confirmed, and numerous convictions have been acquiesced in by the owners of the steam-boats without appeal.

That in the month of September 1834, Mr. Tisdale and Mr. Hollingham, two of the captains of the Star Company Gravesend steam-boats, were convicted by Mr. Combe and Mr. Broderip, the magistrates at the Thames Police Office, for navigating steam-vessels in the Pool at a greater speed than was allowed by the 42d bye-law; and in December following, actions were commenced by the captains against the magistrates for the trespass in levying the penalties adjudged. That the action of Tisdale *v.* Combe was by consent turned into a special case, and was in or about Trinity Term 1836 set down for argument before the Court of King's Bench, but in consequence of the press of business in that court it has not yet come on for hearing, though it is probable it will be decided in the course of next Michaelmas Term.

That in the month of September 1835, certain other bye-laws were made by the court of Lord Mayor and Aldermen of the city of London, at the suggestion of the Watermen's Company, and amongst them was the following one: "That every steam-boat or other vessel plying as a passage-vessel upon the said River Thames between the town of New Windsor, in the county of Berks, and Yantlet Creek, in the county of Kent, shall be allowed to carry passengers at the rate and in manner hereinafter mentioned; that is to say, for every register ton burthen of such steam-boat or other vessel three passengers, and no more." That the bye-laws were submitted to Lord Chief Justice Tindal for his approval, when his Lordship was attended by counsel on behalf of the city of London, and also on behalf of some of the steam-boat companies as to the above bye-laws, and the question was argued before his Lordship, whether steam-boats were within the Watermen's Act; and on his Lordship being informed that such question was in course of receiving a judicial decision from the Judges of the Court of King's Bench he postponed the consideration of the above bye-law until the special case should have been decided.

That since the passing of the Watermen's Act the following steam-boats have been licensed by the Watermen's Company:

DATE.	BOAT'S NAME.	MASTER'S NAME.	OWNER'S NAME.	NO. OF PASSENGERS.
7 Aug. 1828	Favourite - -	Samuel Plowman -	John Heighington	320
Ditto -	Hawk - -	John Hughes - -	ditto - -	198
Ditto -	Swiftsure - -	John Rule - -	ditto - -	160
Ditto -	Sons of Commerce	Thomas Terry Tucker	ditto - -	112
Ditto -	London - -	John Wiggins - -	ditto - -	90
Ditto -	Diana - -	John Reynolds -	ditto - -	134
27 June 1833	Fly - - -	James Hubbard -	Richard Aldridge	22
Ditto -	Star - - -	John Riley - -	ditto - -	12
2 Oct. 1833 -	Queen Adelaide	William John Kinchin	William Kinchin	40

That the exclusive privileges granted to the Watermen's Company were not granted for their sole benefit or to create a monopoly in them, but for the benefit and protection of the public,

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public, to prevent persons plying on the river and steering vessels who had not acquired by experience, competent skill and knowledge, to navigate them without prejudice to others similarly employed; for which purpose it is provided by the 28th section of the Watermen's Act, "that no person shall be admitted a freeman of the company unless he shall have rowed and worked on the river as an apprentice for the full space of seven years." And the Watermen's Company are very strict in seeing this provision carried into effect; and to prevent any evasion of the Act, it is provided by the 32d section, that, with the exceptions thereafter mentioned, no freeman shall take or employ an apprentice unless he shall be a housekeeper or have some known place of abode, and shall give notice to the clerk of the company of the same, and shall lodge such apprentice in the house in which he shall reside.

That by the 38th section of the Act freemen of the company are directed to register their boats and to obtain a license for the number of passengers they may carry; the object being to prevent loss of life by overloading their boats, and to prevent overcharge or imposition by the watermen. And every freeman is obliged to have his name and number painted on his boat in a legible manner, in order that the public may at once know against whom they are to proceed, and trace the guilty party by means of the register kept at Watermen's Hall.

That the number of watermen and lightermen on the River Thames amounts to about 8,000, freemen, widows of freemen, and apprentices, the greater part of whom are liable to be called on to serve on board Her Majesty's fleet when required, and are liable to be imprisoned and disfranchised for two years if they do not appear before the company to be sent on board the fleet on being summoned for that purpose; and there have been as many as 3,000 freemen and apprentices who have been thus serving their country during the late war, besides nearly 1,000 men who served in the River fencibles, the Greenwich fencibles, and other Volunteer corps, 300 of whom volunteered to go to Copenhagen, and about the same number in the expedition to the Isle of Walcheren. And it was stated by several admirals in the navy, in their evidence before the Committee of the House of Commons on the Gravesend Pier Bill, that the Thames watermen have been some of their most efficient and best sailors.

That a stamp of 2*l.* is affixed to each indenture of Apprenticeship, and 1*l.* on assigning the same; and each man is obliged to pay a further stamp duty of 1*l.* to Government on taking up his freedom; in addition to which they have to pay other fees, and the sum of 3*s.* a year for quarterage; and the pensioners on the funds of the company are now 816 in number.

The Committee observe, in a part of that statement it is alleged, that one of the objects of the Act, and of the Watermen's Company, is to prevent persons from undertaking to navigate boats who are unskilled and untaught. Does the education which a waterman receives enable him to navigate a steam-boat?—Though solicitor to the Watermen's Company, I am not able to say.

[The Witness is directed to withdraw.

Mr. Squire Knight is called in; and Examined, as follows :

YOU are an agent extensively engaged in steam-boats?—Yes; I am the Mr. Squire Knight. oldest steam-boat agent; I first commenced steam in the year 1816, and have been connected with boats since that time.

Have you been connected with the steam-boats running on the River Thames?—Yes, from Margate and Ramsgate up to Richmond.

Are there a good many men belonging to the Watermen's Company employed upon those steam-boats?—A great many.

Are those men generally a class who are likely to be able to establish steam-boats without the aid of capital from other people?—No, I should think not. They are about getting up a company by advertisements, appealing to the public; but in the first instance they brought all the difficulties upon themselves, for we lay our boats off the Tower and Custom-house stairs for the accommodation of the watermen, and they annoyed the passengers so much, and kept them on board after the vessel's arrival, and the badness of the boats, altogether, induced the public to apply to our company to remove the vessels to some wharf. We removed them to the St. Katherine's Dock Wharf, and most of them go from there, and from the New London Bridge Wharf.

Have you in the course of your business frequently gone on board and seen the class of persons that make use of the steam-boats to Gravesend and Woolwich?—Yes, merchants and traders of London, and people of all classes.

Is a large portion of them of that class whom you think would be likely to take single wherries to go the voyage, if there were no such things as steam-boats?—No; the people would forsake the water altogether were it not for this mode of conveyance; for instance, before I established steam conveyance to Gravesend

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*Mr. Squire Knight.* myself, the people were so much annoyed in those sailing boats that in the march of intellect for the last 20 years they would not take their daughters or sons or any of their family on board.  
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Can you inform the Committee, taking any average, either three months or any other period, for the last two or three years, the number of passengers in any given boat?—In the course of the year I should say the people travelling to and from Gravesend alone amount to 500,000 or 600,000.

Taking some of the other shorter passages, are those boats much used?—They are used very much, and they carry a great number of persons; I should suppose that there are at least 5,000 who go every week to Greenwich, and 2,000 or 3,000 to Woolwich.

Could that accommodation, or any thing near that amount of accommodation, be afforded by wherries rowed by watermen?—No.

Before there were any steamers was any thing approaching that number in the habit of going down by wherries?—Not one hundredth part would be conveyed by wherries. Since, I would observe, the old London Bridge has been taken away, and the tide runs so strong in the half-ebb tide,—supposing I was to take a boat at Old Swan Stairs and direct two men to row me to Westminster, I should think it would take them one hour to row me against the tide at half-ebb and a strong westerly wind. The tide since the old bridge has been taken away has made a channel for itself, and it runs so strong through Westminster and Waterloo and Blackfriars Bridges that the men cannot possibly row against it, and therefore the prejudice that the people have to going in small boats, were it not for the steam conveyance, would lead them to forsake it altogether. I am satisfied, being upon the river for so many years, that 500 of those freemen are employed daily on board or attending on steam-vessels; and the Watermen's Company I think are doing the men a great deal of injury by opposing the steam conveyance.

Could not the watermen manage to keep clear of the channel of the strong tide?—The tide ebbs on the south shore 60 or 70 feet more than it did before the old bridge was taken away. They generally cross from London bridge to Bankside, and they row up along the south side to Westminster and Vauxhall; but that south side ebbs pretty well dry, because the tide ebbs lower 60 or 70 feet than it formerly did.

Can you speak to the fact whether the watermen are in the habit of rowing passengers for the fares named in the Act of Parliament, or of demanding more?—The Watermen's Company have an Act, which was passed about six or seven years back, wherein it states that the watermen shall charge a certain fare from bridge to bridge; I think it is 3 d. from each bridge; they are to carry a book in their pocket of their fares. Now if any gentleman asks for the book it is not to be found; the men have neglected their boats in such a way that there are scarcely two out of ten that are fit to carry a passenger across the water; and the boats, from this late conveyance by steam, ought to be built larger and deeper, and with square sterns.

Are the steam-vessels under any control except that of the Steam-packet Company, as to the speed at which they go in the river, or the number of passengers they take?—No; we put the whole management in the hands of the master of the steam-boat; he takes in the number of passengers that he thinks fit, and goes at any speed that he thinks fit. The Watermen's Company summoned them before the magistrates, and fined them, till they were found to be in error, and they would have nothing more to do with it. We do not acknowledge that the Watermen's Company have any jurisdiction over steam-vessels; and we tried the question before the Recorder of London and the Aldermen of London at the time Alderman Lucas was Lord Mayor, he being a lighterman. They summoned one of our captains for carrying more than his number and charging more than a certain fare; we appealed against it, and the Recorder and Aldermen of London quashed the case; but we have always employed freemen belonging to the company to navigate within their limits.

The Lord Mayor is conservator of the River Thames, is he not?—He is.

Are you aware whether any accidents have occurred, or whether lives or property have been endangered, by the passage of steam-boats up and down the river?—There have been several lives lost of late years, and that has been attributed to the badness of the boats, the inefficiency of the wherry, and frequently the craft being overloaded.

But

But the accidents have happened in consequence of the steam-vessels passing up and down the river?—Yes ; and I believe in some measure from the crowded state of the pools ; but lately there has been a regulation to give 300 feet space, which makes the river more navigable.

Are you aware whether the Steam-packet Company have given any directions to the captains as to the rate at which they shall navigate?—We have had 17 steam-vessels, and we gave letters to each of the captains to go at as moderate a speed as he could possibly to keep the vessel in safety and the passengers that he had on board ; for there has been a great deal said with respect to the speed of the steam-vessels down the river.

[The witness is directed to withdraw.

*Mr. William Nokes* is called in; and Examined, as follows :

YOU are concerned in one of the Woolwich steam-boats?—I am solicitor and *Mr. William Nokes*. secretary to that company.

How long has that company been running boats?—About three years.

Has that mode of conveyance been used a great deal by the public?—A great deal.

Are you able to state any average?—I can give the Committee an account of the number of persons taken, commencing from December 1835 up to the present period. From December 1835 to June 1836, about 89,000 ; from June 1836 to December 1836, 144,000 ; from December 1836 to June 1837, about 109,000.

Do you conceive, therefore, that that mode of conveyance is generally approved of and patronized by the public?—There is no doubt of it.

How many boats do you run between Woolwich and London?—We have now five boats running every hour between Woolwich and Hungerford Market, calling at Greenwich and Queenhithe each way.

What is the average time that you take to make the passage?—About an hour and a half against tide, and about an hour and ten minutes or a quarter with the tide.

You could of course go faster if there was no consideration of safety?—We could ; but our boats are so constructed as to come above bridge, and they are of less power considerably than other vessels plying in the river.

Can you state how many men you employ in and about those vessels?—We employ a captain and five men on board each vessel, exclusive of the engineer and stoker and call-boy. The men so employed are all free watermen.

All freemen of the company?—Yes, all ; watermen mostly who have resided in Woolwich.

At any of your calls, or in the course of your passage, or in any way, does it often happen that watermen have to take passengers to and from your vessels?—I should say in every trip it happens that some watermen are employed in that way ; generally four or five times during the passage.

And those passages continue during the day at intervals of hours?—Yes.

Is the number of men that you employ in navigating your vessels discretionary with yourselves?—It is entirely discretionary with the directors of the company.

Is the number of passengers that each boat takes discretionary with the company, or limited in any way?—It is discretionary with the captain.

Is the speed at which the boat goes also discretionary?—It is discretionary ; but certain rules and regulations have been given by the directors of the company to the captains to take great care in cases of emergency not to allow the boats to go beyond a certain speed, in order to avoid accidents.

But you are not aware that the company are bound in law to attend to the regulations of the Court of Aldermen, or the Watermen's Company, or any other public body?—We do not conceive so.

Have any accidents occurred, or loss of life or property, from the plying of your steam-boats up and down the river?—None whatever attended with loss of life.

Probably you know whether a good many persons, inhabitants of Woolwich, are in the habit of using this mode of conveyance to come backwards and forwards for business to London?—I believe I may say nearly the whole of the Government departments ; and I should say 19 persons out of 20 in the town, who want to come to London for business, use this mode, for this simple reason, that it saves them at least 100 per cent. in money, and they go quite as quickly,

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*Mr. William Notes.* if not more quickly, by steam-boats; and the inconveniences are found, of course, to be much less.

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Before the steam-boats were established, to your knowledge as an inhabitant of Woolwich, were that class of persons whom you describe as now using the steam-boats in the habit of coming backward and forward in watermen's wherries? —No; by coaches and vans of a very inferior description to what they are now. Fourteen or 15 years ago there were not, I believe, more than two coaches between Woolwich and London; and I used to pay 2s. 6d. for each journey. I used to be in the habit of coming to town very frequently; and we were two hours and a half frequently, and sometimes three hours.

What do you pay on board the steam-boat?—One shilling in the after cabin, and 9d. in the fore cabin. We have now boats running every hour. It has been generally found that the greater the means of transit to and from the metropolis the greater the number of passengers.

Do you find the Greenwich railroad has diminished the number?—Not at all; it has, I think, rather assisted, for this reason: persons are in the habit of taking their exercise; holiday folks and men of business too, who, if they happen to miss the steam-boat, go from Woolwich to the railroad, and they are in town in as quick time. On the other hand, there are a great many persons who devote an hour or two for pleasure, and they will not go by the railroad for pleasure each way; they come by the railroad one way, and go by the steam-boat the other. We find that we bring down a great many persons more than we take up; and for that reason I believe that many persons come to Woolwich, and then walk to Greenwich, and go up by the railroad or Greenwich steam-boats.

If the watermen's Company had the power of stopping the steam-boats that run between the bridges, they would have the same power, would they not, of stopping your boats, if they choose to exercise it?—I have had occasion to argue the question before the magistrates, on informations laid against our own company, and eventually I had hoped that I succeeded in convincing the parties that we were not under the bye-laws. So far as regards my own knowledge of the Act of Parliament I do not know of any distinction. I would add, that the watermen of Woolwich were very much opposed to the establishment of this company at the first outset, supposing that it would injure them; and I will venture to assert that there is not a single waterman that does not derive a considerable benefit from the company; and I should further venture to say that the free watermen of Woolwich have received from it 400*l.* or 500*l.* a year. Some portion of that money is made a sort of fund of by the watermen for the benefit of themselves and their families. We used to have a great number of persons (I mean watermen and their families) on the poor-rates; and since the establishment of the Woolwich Company I am not aware that any one of the watermen, or his wife or family, has been on the rate. That arises from the agreement of our own company to allow the watermen a certain per centage, lest it might take away their trade, and conceiving, as we did, that they should have the profit arising from the plying water-side premises; the watermen attend solely to the barges; they attend to the steam-vessels as they come in and out, and are paid so much a head for every passenger embarking and disembarking at Woolwich. That has been found to be so great a benefit to them that I believe I may say with great truth that the watermen were never better off than they are now.

What is the style of your company?—The "Woolwich Steam-packet Company."

Is there any other company?—Another company has been formed this summer, called "The Blackwall and Woolwich Steam-packet Company." They commenced about a month ago. Those boats ply between Woolwich, Blackwall and the city only.

Do you know whether they give the watermen the same advantages as you company?—I do not know of my own knowledge, but I have heard that they do not.

Was not your company one of the first running above bridge steam-boats?—Yes.

There is some trouble necessary to keep the pier in repair, and some little attention of that sort; the watermen give that in consideration of the payment which they receive from you?—The watermen give that and their whole services.

in consideration of the per centage we allow them, and they find the barges and the landing-place for the accommodation of the passengers. *Mr. William Notes.*

So that the watermen have pretty constant employment, which produces them constant remuneration?—Exactly.

13 July 1837.

[The Witness is directed to withdraw.

*William Andrew Cadwell*, is called in; and Examined, as follows:

WHAT are you?—A waterman.

*W. A. Cadwell.*

A freeman of the Watermen's Company?—Yes.

Have you latterly been engaged in one of the steam passage-boats?—Yes.

In which?—The Cygnet.

Is that one of those that run between London and Westminster?—Yes.

Are there many watermen employed upon those boats?—Three watermen on each boat that is running now.

Are there any men besides the engineer that are not watermen?—None but the stoker.

All but the engineer and the stoker are watermen?—They are.

Were you in the habit of plying a wherry before you were employed upon this steam-boat?—Yes.

Did that wherry produce you, upon the average of three months, as regular an income as the steam-boat employment does?—I should say for six months out of the twelve it did; but the other six there was nothing to do.

So that, take the average of a year, the wherry would not produce the same income?—No; but I was an exception to a great number. I had a number of gentlemen that I used to go rowing with, and therefore I was not exactly a chance sculler.

And a good portion of your emolument came from that source?—It did.

Do you conceive that a chance sculler gets, taking one month with another, as much in rowing his wherry, taking all expenses and every thing into consideration, as he does by the rate of wages given in those small steam-boats?—No.

The fares of the watermen are regulated by certain rules of the company, are they not?—Regulated by the court of aldermen, and receiving the signature of the Privy Council.

In practice, is a book of fares usually carried by watermen?—Yes.

Does a chance sculler ordinarily take his passenger for the regulated fare, or does he expect to get somewhat more?—I believe there are few persons but expect a trifle more than their fare.

Are you aware whether, in the other steam-boats, watermen are a good deal employed?—Yes, I believe they are; I have always been given to understand so.

Are your brethren, of the Watermen's Company, generally persons of capital sufficient to establish steam-boats themselves?—Part of them are.

Have they, in point of fact, established any steam-boats?—Not that I am aware of.

The engineer is necessarily a person who has some skill in that particular department?—I should consider so.

The education of a waterman does not fit a man to be an engineer?—No.

Can you state whether the watermen scullers now upon the river are frequently employed to bring persons to the steamers, or take them from the steamers, or employed about the steamers?—No; there are piers to do all that.

Are there any old persons, who have been watermen, who are employed about the piers?—Yes, they are all watermen employed on the piers; at least, above the bridge; I do not know below.

What is the average time taken by the steam-boat upon which you are employed in running the distance?—They are six or seven minutes with the tide, or from that to eight; against it, with all stoppages, a quarter of an hour; allowing for turning the boat, I should say twenty minutes.

Has the removal of old London Bridge made the rowing on the river more difficult?—Yes.

The tide runs more rapidly?—It does.

There are not the same means of getting into slack water as before?—We have at some times great difficulty by a number of shoals, that we had not before the removal of old London Bridge. The tide ebbs lower considerably.

Has the number of passengers on board the steam-boat on which you are, increased

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*W. A. Cadwell.*

13 July 1837.

creased as the public has become more acquainted with it, or has it diminished?  
—It has increased.

You have been acquainted with the river for some time; from your observation of the persons who go in those steam-boats, do you see many among them who are not of a class that are likely to take a sculler to themselves?—A great number that would not; there are a few that I am aware would, but I should say not above one out of 20 or 30, or probably more than that, upon the day's work.

There is something paid under the name of quarterage by the freemen of the company, is there not?—Yes, towards the support of the hall.

Is that usually called for pretty punctually from the watermen in general?—It varies.

In your own case were you allowed to remain for any time in arrear?—I have been.

Have you been called upon to pay up since you have been connected with the steam-boat?—I have; and one person has been called upon who owed three times as much.

He had been allowed to go into arrear to an amount three times as large as yours, and was called upon to pay it up?—Yes.

And has paid?—Yes.

And have you?—I have not.

Do you suppose that this person was as able to pay before he got on board the steam-boat?—Equally so.

Are you employed on the steam-boat as one of the crew, or in an office of more confidence?—As receiver of the money.

How many persons are there employed upon the steam-boat?—Three.

Have they all the same emolument that you have?—Equally so.

Have you any objection to state what that is?—Thirty shillings a week in ordinary days; but we are running now over time, which the company allow us 1*s.* a day extra for, making 37*s.*

Have you 30*s.* all the year round?—I believe we shall run all the year round if the public continue to go by us.

If you continue to earn those wages all the year round, you conceive that you will be better off than you were formerly?—It was under that idea that I took the situation.

In point of fact, you did not earn 30*s.* a week, upon the average, all the year round?—I did not.

Were your earnings, under the particular circumstances, better than the average earnings of persons who plied ordinarily as scullers?—Yes.

When you say that 30*s.* a week is more than the former emoluments, you deduct the expenses of the boat?—Yes.

You mean the net profit upon the boat was not equal to 30*s.* a week all the year round?—It was not; in the summer I earned more.

Did you go to Hungerford?—I have been always at Hungerford.

Before the steam-boats were established was there any practice on Sundays of watermen taking, not individual fares, but taking six or eight passengers for hire?—Yes; not previous to the establishment of the Woolwich boats; when the Woolwich and Greenwich boats were established then that became the practice.

What sort of boat did the waterman use upon that occasion?—Any boat that he had; some had wherries and some had skiffs.

How many have you ever seen taken in one of those boats on the Sunday?—From 16 to 18; children principally.

Could that number be taken with perfect safety?—In some boats it could; in others it could not.

Do you know what number those boats were licensed to carry?—Some were licensed for eight, and some were not licensed at all; none more than eight.

Then the waterman was liable to a penalty?—Yes.

Did the Watermen's Company interfere to prevent that?—No.

Have the Watermen's Company any officers?—They have two beadle, appointed by the company.

Whose business it is, among other things, to see that the watermen do not carry a greater number of passengers than they are licensed to carry?—I should consider that a part of their duty.

Do

Do those two beadles attend, in point of fact, at the different stairs?—They are in the habit of going up and down the river.

In a boat?—In a boat and on land.

Was any application made to the Watermen's Company to interfere?—I have pointed it out to the beadles myself.

But they did not in consequence interfere?—No.

What were the ordinary passages; between what points did those boats ordinarily go?—Principally from Hungerford to Westminster Bridge.

Have you had any accident since you have been in the steam-boat, by running down any boat?—No.

[The Witness is directed to withdraw.

*Mr. Andrew Leighton Leith* is called in; and Examined, as follows:

YOU are one of the directors of the new Steam-boat Company?—The secretary.

Can you speak to the number of passengers that have been carried since its commencement?—Yes; the trade commenced on the 24th of April, and up to the 10th of the present month there have been 35,862 passengers who have availed themselves of the conveyance.

Have you made an average of that per day?—It would amount to about 500 or 600 per day.

Do you frequently look on board the vessels yourself, so as to know the class of persons that go?—Yes.

Are there among those 500 or 600 persons a large proportion who would not avail themselves of the river in any other mode?—The universal declaration of the parties is that it is a great convenience, and that they should not be induced in its absence to adopt the water conveyance. From the peasant to the nobleman, all have availed themselves of the steam-boats; I could mention several noble lords and Members of Parliament, and they state the fact. Taking the numbers from the first is not a fair average; our average for the present month, July, is 900 a day each boat.

There was a time when, in consequence of the proceeding before the magistrates, you were precluded from taking any fare?—Yes.

Was much money voluntarily placed in the boxes during those times by passengers?—The contributions were not equal to the advantages of the conveyance; but many parties to show their feelings put in largely, by way of encouraging the convenience. I have known half a sovereign to be placed in the box merely for the sake of encouraging a public convenience.

Are all the persons employed in the steam-boats watermen?—All watermen, except the engineer; even a lad, the orphan of a waterman, is employed in a steam-boat, carrying out the principle of employing watermen as much as possible. We employ watermen also at the piers and on shore to receive the passengers and embark them.

What rate of wages do you give the able-bodied men on board?—Thirty shillings a week, and that is increased for extra labour; some receive as much as 37s. a week at this time; and it is the intention of the company to give them further encouragement, by putting away a portion of the net profits, as a stimulus to them to protect the property and to be civil to the public.

What is the fare from Westminster to London Bridge?—Four-pence. The company, with a view of not going into more competition than might be deemed necessary, charge 4d. from Hungerford to Westminster Bridge, and the waterman's fare is 3d.; but notwithstanding that the public take the steam-packet in preference.

You are at present running under an amicable arrangement made with the company?—Yes.

Do you consider, with respect to the number of passengers which you carry on board of each boat, you are under the control of any public authority, or that it is in the power of the directors to order as many passengers as they please to be carried in each boat?—We contend that we are free from any control, except such as the construction of the vessel will show may be carried with safety.

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Mr. A. L. Leith.  
13 July 1837.

You do not consider that any person or body is authorized to interfere with you?—No; each vessel being capable from its tonnage of carrying so many passengers.

And the same observation will apply to the number of the crew and the speed, that you conceive it to be in the power of the company to give such directions as they please?—Yes.

Do you see any objection to such an alteration of the law, if it is necessary, as should provide some power to regulate this matter with steam-boats?—A general regulation would be beneficial to all, I think.

Do you know whether, before the establishment of the London and Westminster Steam-packet Company, the watermen were in the habit, on Sundays or on other days, of taking a number of passengers in one boat across from Hungerford to Westminster?—It had been the practice for some time past with boats, which had not been licensed to carry more than eight, to take as many as two or three and twenty, some of them infants of 18 months old, at 1*d.* a head, a short distance across the water, or up and down, no farther than Westminster or Waterloo Bridge, certainly to the imminent danger of the parties in the boat; a very large trade has been carried on at Hungerford in that manner, contrary to the Watermen's Act.

Did the Watermen's Company interfere to stop that?—I never heard that they did.

Do you run during the Sunday?—From the hour of one.

Is the number of passengers that you carry on a Sunday more or less than on the other days of the week?—In proportion to the number of hours, they are the same; rather more, if any thing.

Has there been any increase in the number of passengers landed or embarked at Hungerford wharf of late years?—Yes; in the year 1834 the numbers were, 30,985; in 1835, 142,139; in 1836, 225,974; in 1837, to July the 11th, 174,563; and we consider half our season gone; therefore, if you double that, it will give for the season 1837, 349,123; and I should add, that even now there are not conveniences sufficient, by means of steam, for the west-end public; we are frequently obliged to send hundreds away; we embark and land on the Sunday between 5,000 and 6,000; on his late Majesty's burial day we had 7,000 people.

Are you aware of any accidents happening to your vessels from the crowded state of the river?—I am not aware of any during the three or four years that Hungerford Market has been established in this way; we have come in contact, but no persons injured, and not even one case of falling into the water.

Are your steam-boats of very small tonnage?—Yes, they are.

Do you issue any regulations as to the number to be carried?—They are restricted from carrying more than can be conveniently accommodated in the cabin and on deck; but the passengers, though they have cabin accommodation, prefer going on deck.

You direct the captains to carry as many as are safe, and leave it to the discretion of the captain?—Yes; and the general trade puts it beyond the possibility of any excess, for they do not generally average more than 50 or 60; so that our vessels, capable of carrying 120, seldom carry more than half the number.

At what time of the morning do your boats commence running?—At eight o'clock; and they run till nine, at present, every half hour; it is intended that they shall run shortly every quarter of an hour, and eventually, if the public wish it, every ten minutes.

So that every man wishing to go from Westminster to London Bridge on business may get there at any half hour for 4*d.*?—Yes; we find that professional gentlemen attending the Houses upon matters of business and Parliamentary matters, adopt that mode of conveyance universally.

[The Witness is directed to withdraw.

Mr.

Mr. *William Mark Fladgate* is called in ; and further Examined, as follows :

Do you consider that any public authorities whatsoever have the power of controlling your company as to the number of passengers carried on board each boat, the speed at which the boat is to go, or the number of the crew that are to navigate her, or that that is wholly in the discretion of the company ?—I conceive that the corporation of the city of London, as conservators of the River Thames, have the power to control steam-vessels as well as all other vessels, to prevent any nuisance on the river, or injury to the lives of the citizens, and this independently of the Watermen's Act ; but I consider that under clause 106 of the Watermen's Act, the bye-laws made by the mayor and aldermen will very probably be construed to extend to steam-boats, although steam-boats are generally not within the operation of the Act ; and I believe they have further powers under the Act for regulating the port of London.

Mr.  
*W. M. Fladgate.*  
13 July 1837.

[The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till To-morrow, Three o'clock.

*Die Veneris, 14<sup>o</sup> Julii, 1837.*

The EARL of DEVON IN THE CHAIR.

Mr. *John Banyon* is called in ; and Examined, as follows :

YOU are clerk to the Watermen's Company ?—I am.

Mr.  
*J. Banyon.*  
14 July 1837.

You have been furnished with a statement relative to the law made by Mr. Fladgate ; have you any observations which you wish to offer to the Committee upon that statement ?—I have not any personally to offer ; a counter statement has been prepared and delivered in by our solicitor.

Is the whole question now in course of trial in a court of law ?—It is ; the question whether steam-boats come under the cognizance of the Watermen's Company or not. There is a special case to be argued in the Court of Queen's Bench, we expect, in Michaelmas term next ; it is a question as to limiting them to a certain speed within the Pool. They did not appeal, but allowed the Magistrates to make the levy, and brought an action for trespass, so that it might come before the judges in banco to have it solemnly argued.

Mr. *John Eggar Cooper*, is called in ; and further Examined, as follows :

Mr.  
*J. E. Cooper.*

IS the question whether the Watermen's Company are enabled to call for penalties upon persons navigating a steam-boat, not being freemen of the company, under the consideration of any court of law at present ?—I understand it is in progress ; but I consider if the result of the case of *Tisdale v. Combe* should be to decide that the Court of Lord Mayor and Aldermen have the power to make bye-laws for regulating steam-vessels, that that would decide the question raised by the London and Westminster Steam-boat Company.

Do you mean that if steam-boats are held to be within the Act for one purpose they must be considered to be within the Act for all purposes, and that consequently the Watermen's Company may obtain penalties from any person navigating a steam-boat in the river ?—I do.

To Mr. *Banyon*.] It has been stated by several of the witnesses examined, connected with the steam-boat companies which at present navigate the river, that they do not consider their boats under any control except that of the company to which they belong, with respect to the number of passengers they carry, the speed at which they go, or the number of their crew ; do you assent to that opinion ?—If the judges should decide that the Watermen's Company have no control over them, then there is no controlling power whatever that I know of.

You do not consider that the Lord Mayor, as conservator of the river, has any control over them, independently of the Watermen's Act ?—I do not.

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Mr. J. E. Cooper.

14 July 1837.

Have the Watermen's Company any control over the steam-boats except through the medium of orders made by the Lord Mayor and Aldermen?—No other control but by the Act of Parliament.

Can you point out any clause in the Act of Parliament which gives them a control otherwise than through the medium of the Lord Mayor and aldermen? —The 37th section of the Act imposes a penalty upon any person, not being a freeman of the company, who shall navigate a vessel within the limits; and the 38th clause is for the licensing of all boats and vessels; and they are to be licensed according to bye-laws to be made for that purpose, as to the number of passengers and so forth. When those bye-laws which appear in that book were made in the year 1828, a bye-law was made by the Court of Aldermen allowing five persons to a ton of the steam-boat. The master, wardens and assistants of the company disagreed to that, because it would not be safe to the public to have so many to a ton carried in any boat, and they proposed two to a ton; but the Court of Aldermen did not agree to that proposition, and the Court of Aldermen cut out the old portion of it as regarding the licensing. Since that period the House of Commons, after hearing evidence from all parties, in their Report state that it would not be proper to have more than three persons to a ton for river navigation, and two for sea navigation. A bye-law was then made allowing three to a ton, which was presented to Lord Chief Justice Tindal for his approval, having been passed by the Court of Aldermen; but when he heard of this case that is coming on in the Queen's Bench he suspended that bye-law till the opinion of the court was given upon the case.

[The Witnesses are directed to withdraw.

Mr. John Matthews is called in; and Examined, as follows:

Mr. J. Matthews.

YOU are connected with one of the steam-packet companies?—I am.  
With which?—With the Star.

Are you secretary to that company?—Yes, and solicitor.  
Where do you reside?—At Gravesend.

Are there a great number of passengers carried to and from Gravesend by the steam-boats belonging to the company?—A great number.

Can you state the number?—In the course of a year very little short of a million of persons; I cannot speak to the exact number.

How long has your company been established?—About four years.

Do you find the number of passengers upon the increase since the first year?—Yes.

Has any question arisen between your company and the Watermen's Company?—Yes.

Have they brought an action against the Star Company?—The Star Company have brought an action against the magistrate of the Thames Police.

Did the Watermen's Company in some way interfere with the navigation of your steam-boat?—A bye-law having been made by the Court of Aldermen of the city of London, at the suggestion of the Watermen's Company, restricting the speed of steam-vessels in the River Thames, and limiting them in the Pool to five miles an hour, one of the Star captains, named Tisdale, was fined in the penalty of 5*l.* for an infraction of that law, and which penalty was resisted before the magistrates, upon the ground that they had no jurisdiction under the Watermen's Act, which authorized the making of bye-laws for the regulation of watermen, and their boats and craft upon the River Thames. The magistrate enforced the penalty by distress upon the goods of the captain, upon which an action was brought against the magistrate. There was a second case against another captain of the name of Hollingham; the two actions were consolidated, and a case agreed upon between the parties litigant, the Watermen's Company, taking up the conviction of the magistrate; and the solicitor of the Watermen's Company and myself, as the solicitor of the Star Company, agreed upon a case to be submitted to the Court of Queen's Bench, to settle the question as to whether any authority under the Watermen's Act existed for making such a bye-law. That case now waits the decision of the Court of Queen's Bench, and probably will be decided in the next Michaelmas or Hilary Term.

Do

Mr. J. Matthews.

14 July 1837.

Do the Committee understand that you, as solicitor of the Star Company, conceive that it is entirely discretionary with the company for their vessels to go at any speed that they please, and to carry any number of passengers which the company consider would be safe, and that no other public body has any right to interfere?—Exactly; but I take the liberty of saying, that the Star Company have always expressed a readiness for the introduction of a proper statutory provision for the speed of the vessels, but that such a power has been assumed by the Watermen's Company as was not only not authorized by law, but impracticable. Mr. Alderman Wood has two or three times introduced Bills for the purpose of regulating steam-vessels upon the River Thames, particularly with reference to their speed, but no measure has yet been carried. I consider, therefore, that we are without any law restricting the speed of vessels, or regulating them in any way, except so far as they come under the regulation of the British Registry Act for Shipping; and I have always contended before the magistrates, that the powers of the Watermen's Company were limited to rowing-boats, or boats worked by manual labour, and did not extend to ships or vessels of a larger kind; but that the general words in the Act of Parliament following the particular words "boat, wherry and other craft," would not extend to vessels of a larger class.

If it should be held that steam-boats are within the Waterman's Act, may not the 37th and 38th clauses be construed to give the Watermen's Company a power to prevent altogether the running of steam-boats?—I consider that such a decision would be destructive to the interests of steam-boat property, because they would have the authority to say what fare we should take, and they might choose to put on a price for carrying the public that would amount to a restriction altogether of the use of steam-vessels; they might limit the fare, so that at the reduced fare we might not be able to pay the expenses of fuel.

Might not the 37th clause enable them, under such a construction of the Act, to prevent any person, not being a waterman, from working a steam-boat?—Yes.

From your experience of the traffic by steam-vessels, do you conceive that the wants of the public can be supplied by any other mode?—Certainly not; I have a very strong opinion upon that.

Are the steam-boats enabled to go without reference to tide, either with or against tide?—They are; they as frequently go against the tide as with the tide; in fact, it is a matter of indifference to them whether they have the tide or not.

And they are enabled to keep regular hours?—Yes; we make upwards of 20 passages per day between Gravesend and London; I am speaking within the number. The Diamond Company have been running 14 passages a day, and the Star Company 10 passages; and then there are the other companies,—the Commercial, and the Herne Bay, and the General Steam.

Upon all those passages is there generally a fair number of passengers?—The companies divide 10 per cent.

Are many of the men employed upon your boats freemen of the Watermen's Company?—All the men employed upon our boats, as a matter of choice. We consider that the watermen have some claim in consequence of steam-boats interfering with their occupation, therefore, as a matter of principle, we have employed watermen upon the boats, and we continue, at the piers at Gravesend, to give them all the employment in our power.

Do you, at the present moment, employ watermen at the Gravesend pier?—There are two piers. I believe at the Gravesend pier, so called, there has been a great reduction in the number of men employed, since the new municipal regulation. I believe they do not take the same views altogether as the late corporation; but at another pier, called the Terrace pier, the principle formerly adopted at the old pier is carried out there, namely, one-half of the toll received is paid to the watermen.

And are the men engaged in the steam-vessels mostly watermen?—All watermen, with the exception of the engineer and stoker.

Is there any observation that you would wish to make upon the subject now under discussion by the Committee?—With your Lordships' permission, I would simply state, that the Aldermen of the city of London, in connexion with the Watermen's Company, in the early part of last year, made a bye-law, restricting

22 EVIDENCE BEFORE SELECT COMMITTEE (*Lords*) ON THE

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the speed of steam-vessels in the River Thames ; it was the second bye-law, the one in 1828 carrying it a little further. It was placed before the judge, the Act of Parliament requiring that one of the superior judges should assent to the law before it was passed. In 1828 no caveat was entered, and the bye-law passed them as a matter of course ; but last year, a caveat being entered, the matter was heard before the Lord Chief Justice of the Common Pleas, and after hearing the statement of all parties, he said that he did not find the word "steam" in the Act; if he made up his mind to pass the law he would send for the parties again. We have not been summoned, and no law has been passed.

Was not the reason for his not passing the law, the fact that a case was then pending before a court of law?—It was one of the arguments used upon the occasion, certainly.

Did he himself give that, within your hearing, as the reason for not passing the law?—I do not think he did ; I remember particularly that he said, "Why was not the word 'steam' introduced into the Act of Parliament?"

[The Witness is directed to withdraw.

Ordered, That this Committee be adjourned till To-morrow, Three o'clock.

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REPORT:

## R E P O R T:

(1837-8.)

BY THE LORDS COMMITTEES appointed a SELECT COMMITTEE to inquire into the present State of the LAWS which regulate the CARRIAGE of PASSENGERS for HIRE upon the RIVER THAMES, and to consider and report ; and to whom was referred the REPORT made in the last Session of Parliament, from the SELECT COMMITTEE appointed to inquire into the present State of the LAWS which regulate the CARRIAGE of PASSENGERS for HIRE upon the RIVER THAMES ; with the MINUTES of EVIDENCE taken before them.

## ORDERED TO REPORT,

THAT the proceedings of the Committee having been necessarily interrupted by the sudden close of the last Session, and the House having ordered their re-appointment, they have resumed their consideration of the subject referred to them, with a view to enable themselves to form an opinion as to the state of the law relating to it, and the necessity of any alteration in that law.

Upon a review of the Evidence taken the Committee have come to the following conclusions ; viz.

1st. That by the construction of the Acts of Parliament contended for on the part of the Watermen's Company, it would be in their power to prevent altogether the running of steam-boats on the river.

2dly. That the improved mode of propelling vessels by the power of steam upon the river has tended greatly to the accommodation of the public, who have been and are eager to avail themselves of it, inasmuch as it appears that very nearly two millions of persons have, within a twelvemonth, gone by the boats, which have already been navigated upon the river between Richmond and Gravesend ; and the Committee further observe, that a very large proportion of the persons who have so gone in the steam-boats, could not, or would not, have gone upon the river in the ordinary mode of conveyance by a waterman's wherry.

3dly. That the class of persons, who are generally freemen of the company, are not capable, either with respect to science or to capital, of affording to the public such accommodation.

4thly. That the several companies which have established and navigated steam-boats upon the river, have afforded constant and profitable employment to a very large number of freemen of the Watermen's Company, and appear, indeed, in practice, to have given almost a monopoly of employment upon and about those boats to such freemen, except upon such parts of the operations as such watermen are obviously not qualified or able to execute.

5thly. That under these circumstances, it appears to this Committee to be necessary and proper that some alteration of the law should take place, by which the power of prohibition now claimed by the Watermen's Company shall be taken away, and the right of establishing steam-boats on the river shall be opened to all, who, from their possession of the requisite capital and skill, shall be enabled to embark in such undertakings, subject to such regulations as may be necessary to ensure the safety of the public, and with some provisions for the future employment of freemen of the Watermen's Company in such steam-boats.

The Committee have appended to this Report a copy of the Evidence to which they refer, taken before them in the last year (*ante*, p. 3.)

THAMES PASSENGERS.

R E P O R T S

FROM

SELECT COMMITTEE

OF THE

HOUSE OF LORDS,

ON THE

CARRIAGE OF PASSENGERS FOR HIRE,  
UPON THE RIVER THAMES.

(Sessions 1837 & 1837-8.)

[*Communicated from the Lords, 15 May 1838.*]

Ordered, by The House of Commons, to be Printed,  
6 July 1838.

# R E P O R T

FROM THE

## SELECT COMMITTEE

ON THE

DISCHARGE OF

J O H N   N I C H O L L   T H O M

FROM THE LUNATIC ASYLUM;

TOGETHER WITH THE

MINUTES OF EVIDENCE.

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*Ordered, by The House of Commons, to be Printed,*  
*31 July 1838.*

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*Martis, 26° die Julii, 1838.*

*Ordered, THAT* a Select Committee be appointed to inquire into all the Circumstances connected with the Discharge of John Nicholl Thom, alias Courtenay, from the Kent Lunatic Asylum.

And a Committee is nominated of—

Sir Edward Knatchbull.	Sir Robert Harry Inglis.
Sir Thomas Acland.	Mr. Harvey.
Mr. Fox Maule.	Lord Viscount Hotham.
Sir Robert Peel.	Mr. Langdale.
Lord Viscount Howick.	Mr. Solicitor General.
Mr. Robert Clive.	Mr. Plumptre.
Mr. Shaw Lefevre.	Mr. Pendarves.
Sir Henry Hardinge.	

*Ordered, THAT* the Committee have power to send for Persons, Papers, and Records.

*Ordered, THAT* Five be the Quorum of the Committee.

*Martis, 31° die Julii, 1838.*

*Ordered, THAT* the Committee have power to report the Minutes of Evidence taken before them, to The House.

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#### PROCEEDINGS OF THE COMMITTEE.

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*Jovis, 12° die Julii, 1838.*

MEMBERS PRESENT.

MR. PENDARVES WAS CALLED TO THE CHAIR.

Mr. Harvey.	Mr. Pendarves.
Lord Howick.	Mr. Langdale.
Mr. Fox Maule.	Mr. Shaw Lefevre.

*Lunæ, 16° die Julii, 1838.*

MEMBERS PRESENT.

MR. PENDARVES IN THE CHAIR.

Lord Hotham.	Sir Robert H. Inglis.
Lord Howick.	Mr. Langdale.

*Sabbati, 28° die Julii, 1838.*

MEMBERS PRESENT.

MR. PENDARVES IN THE CHAIR.

Mr. Shaw Lefevre.	Sir Robert Inglis.
Lord Howick.	Mr. Fox Maule.

*Martis, 31° die Julii, 1838.*

MEMBERS PRESENT.

MR. PENDARVES IN THE CHAIR.

Mr. Shaw Lefevre.	Sir Robert H. Inglis.
Mr. Fox Maule.	Lord Howick.

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THE REPORT  
MINUTES OF EVIDENCE

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P. 1

R E P O R T.

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THE SELECT COMMITTEE appointed to inquire into all the Circumstances connected with the Discharge of *John Nicholl Thom*, alias *Courtenay*, from the Kent Lunatic Asylum, and who were empowered to Report the MINUTES OF THE EVIDENCE taken before them ;—

H A V E, pursuant to the Order of The House, examined several Witnesses, and have agreed to Report the Minutes of the Evidence taken before them.

31 July 1838.

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LIST OF WITNESSES.

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*Lunæ, 16° die Julii, 1838.*

Samuel March Phillipps, Esq.	- - - - -	p. 1
Mr. George Francis	- - - - -	p. 6

*Sabbati, 28° die Julii, 1838.*

Edmund Turner, Esq., M. P.	- - - - -	p. 15
The Right Hon. Sir Richard Hussey Vivian, Bart., M. P.	- - -	p. 16

*Martis, 31° die Julii, 1838.*

Mr. James Whitefield	- - - - -	p. 18
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## MINUTES OF EVIDENCE.

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*Lunæ, 16<sup>o</sup> die Julii, 1838.*

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**MEMBERS PRESENT.**

Lord Hotham.  
Lord Howick.  
Sir Robert Inglis.

Mr. Langdale.  
Mr. Pendarves.

**EDWARD W. W. PENDARVES, Esq., IN THE CHAIR.**

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*Samuel March Phillipps, Esq., called in ; and Examined.*

1. *Chairman.]* ARE you Under-Secretary of State for the Home-office ?—  
**I am.** *S. M. Phillipps,  
Esq.*
2. Do you recollect the circumstance of an application being made for the release of John Nicholl Thom from the Kent Lunatic Asylum in the course of last year?—I was not in the office at that time ; but I have read all the papers upon the subject, and know the nature of the application.
3. Will you refer to those papers and see at what time the application was made?—The application was made on the 15th August 1837. Before that time, there had been applications for the exercise of the power of the Crown ; but the application upon which the discharge took place was in August 1837 : the petition was sent to the Home-office, from the lunatic's family, by Sir Hussey Vivian. That is one of the printed papers which has been laid before the House. All the papers relating to the release have been before the House of Commons, and are in print.
4. What steps were taken by the Home-office in consequence of that application?—An inquiry was made as to the health and the state of mind of the person ; the letter is among the printed papers. Upon this, there was a report received in September that he was of unsound mind.
5. His bodily health was good, but he was of unsound mind?—Yes.
6. Does it state that he was violent?—No, nothing of that sort. The report mentions that he laboured under delusion ; the words are, “ He labours under delusions respecting his person and property.”
7. What was done subsequent to that report of his health?—The Secretary of State was then in Devonshire. The papers relative to the case of John Nicholl Thom were sent down to him ; and the Secretary of State, I believe, saw the father, who went from Cornwall for the purpose of seeing him. After considering the case, Lord John Russell sent a written memorandum to Mr. Fox Maule, then in the Home-office, in which he said, “ The father of Mr. Thom has engaged to take proper care of his son ; and on this engagement the son may be discharged.” Then he directs that the necessary orders should be given. The prisoner had at that time been in confinement, altogether, (in the gaol and in the lunatic asylum,) from the summer of 1833 to October 1837. Perhaps the Committee may be aware that he was tried with a person of the name of Coltrup ; Thom's sentence was three months' imprisonment and seven years'

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years' transportation. They were both indicted together for perjury at the Kent summer assizes of 1833. Coltrup pleaded guilty.

8. What was his sentence?—His sentence was seven years' transportation.

9. Supposing there had been a substitution of confinement in a prison for those seven years' transportation, for what period would he have been confined?—According to the established rule and practice at that time, he would have been confined in the hulks for four years, and perhaps three or four months over. According to the present practice, he would have been confined three years. If he had been confined in the Penitentiary, he would have been confined two years. I may mention, that soon after the trial a petition was received for Coltrup, which was referred to the judge in the ordinary course, and he recommended a commutation of the sentence to imprisonment for a year and a half, with hard labour. Very soon after the trial, in the latter part of August 1833, a representation was made to the Secretary of State, stating the derangement of the prisoner Thom; and on the 22d October, in the same year, the gaoler's report was sent up, with a medical certificate of his being in a state of derangement; in consequence of which, he was removed to the lunatic asylum on the 26th October following. That part of the sentence relating to the imprisonment had then been satisfied. Having been so confined in the Kent gaol, he could not be confined there properly under the sentence any longer; and he could not be sent abroad, in consequence of his deranged state of mind. Nothing further took place with respect to the case of the prisoner Thom till the year 1835, when there was a petition, in the beginning of 1835, to the Secretary of State, transmitted by Mr. Lushington, signed by Mr. Francis, and a great number of the inhabitants of Canterbury, stating that, in their opinion, he was deranged at the time of the trial, and praying for pardon. That petition was refused. In the latter part of the same year there was another petition to the Secretary of State, stating that Coltrup had been discharged, who was tried with him, and praying for pardon. At that time Thom had not been above two years in confinement. That petition also was refused. Nothing further occurred in the case of Thom till 1837, when the petition from the prisoner's family, as to which I have been questioned, was sent to the Secretary of State. Having considered all the circumstances of the case, the Secretary of State was of opinion that he might be discharged, and given up to the care of his family. For this a pardon was necessary, the sentence of seven years' transportation still being in force, though he had been so long in confinement. The pardon was dated October 3d, 1837. That released him from the sentence, and he was afterwards discharged from the lunatic asylum. After his discharge the Secretary of State received no tidings of him till the letter came from the county magistrates, informing him of the affray which had taken place in Kent.

10. Sir *Robert Inglis.*] Was the course adopted in this case the same as that which has been adopted ever since you were in the Home-office, in the case of lunatic prisoners for whose discharge applications have been made to the Secretary of State?—The case of Thom is the only instance that I remember (and the only instance also that the clerk, who superintends this business, remembers) of a person under sentence for a crime, becoming lunatic, and confined in an asylum. The common case has been, where a person has been found insane by a jury on the trial, or upon arraignment: those are the common cases. This, as I said before, is the only instance I remember of a person found guilty by a jury, and imprisoned under his sentence, becoming insane during the sentence. There are many instances of persons found insane by a jury, and acquitted on the ground of insanity, or found insane on arraignment, who have been discharged, and given up to their friends. The principle which applies to those cases applies also to this.

11. What is the course adopted in the case of a prisoner found by the jury at the time of his trial to have been insane, and for whose discharge an application has subsequently been made to the Secretary of State?—The first thing to be done would be an inquiry as to his state of mind.

12. If you could ascertain conclusively that the person is of unsound mind?—Do you suppose the case of his being found by a jury insane, and being in a lunatic asylum?

13. Yes?—I say, then, on such an application, an inquiry would be made as to the existing state of his mind.

14. In

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14. In order to verify the finding of the jury?—No, the finding is conclusive; but with reference to the petition, in order to guide the Secretary of State in deciding whether he ought to continue in a lunatic asylum, or whether he might be discharged, or how otherwise to be dealt with.

15. Lord *Howick*.] In order to ascertain whether he had recovered his previous sanity, or whether he was an unsound character, so as to render it dangerous to release him?—Certainly; there are several instances of persons being found insane by a jury, in which the Secretary of State has directed him to be delivered up to the care of his friends, or other persons.

16. Sir *Robert Inglis*.] Will you mention some of those instances, and will you state also the securities taken by the Secretary of State?—There was a case in 1825, where the prisoner was delivered over to the overseers of the poor of the parish.

17. What was the crime of which the party was convicted?—It was larceny. There was another case at Bristol in 1829, also a case of larceny, where he was delivered over to his wife and to another person, under recognizances of 100*l.*, to be properly taken care of. There was another case in 1832, where securities were taken; that was also a case of larceny.

18. Having been Under Secretary of State for 11 years, can you state to the Committee, whether the different Secretaries of State have exercised a different discretion, or a different rule in cases of parties convicted of crimes of violence to those convicted of crimes unattended with violence, in respect of the liberation to be granted, and the securities to be taken from each respectively?—In cases of violence, where persons have been so charged, the Secretary of State would of course be much more cautious and strict as to discharging the individual, than in a case unaccompanied by violence; the nature of the crime would make a great difference; he would probably require higher securities in such cases, and would be more unwilling to discharge him under any circumstances.

19. Can you state to the Committee any instance in which parties convicted of crimes of violence have been released?—There have been several; some, where the person has given a very high security for leaving the country and not returning. In such a case, the pardon would be on the condition of his not returning to this country, and care would be taken that he should be put on board a ship and sent away. This course has been taken, more particularly after the death of the person against whom the violence was offered; or when the person against whom the violence was offered has consented to such a course, on inquiry made of him whether he consented to the liberation. With respect to this man Thom, there never was any suggestion to the Secretary of State, that he threatened or showed any violence, or that any person was at all apprehensive of danger from his discharge. The charge against him was one of perjury merely, and the derangement was represented as a delusion upon the subject of his own person and his own property.

20. Among the papers presented by the Home Office to the House of Commons, and printed by their order on the 14th June, there appears in page 3, a copy of a letter by the Hon. Fox Maule, dated "Whitehall, 5th October 1837," and addressed to Mr. William Thom, St. Columb. Will you be so good as to look at that letter, and state to the Committee what measure was taken by the Home Office in order to secure the fulfilment of the condition required in that letter?—There was no other security, as far as I know, but that the father would undertake to keep him and take charge of him; I know of no other security.

21. The question is in reference precisely to the point what was the undertaking given by the father?—Merely a verbal assurance, I believe; I know of nothing else.

22. Was that verbal assurance given to the Home Office, or to any authority there, or to the Kent Lunatic Asylum?—I should think it must have been given to Lord John Russell himself. Lord John Russell, after having all the papers sent to him, and the report also from the lunatic asylum, sent a written paper to Mr. Fox Maule, to which I have before referred, (enclosing the father's address, not written in Lord John Russell's hand-writing,) giving directions that the father, William Thom, should have the care of John Nicholl Thom, as the father engaged to take proper care of his son.

23. From that endorsement you draw the conclusion that the engagement was made to the Secretary of State in person?—I suppose so.

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Esq.

16 July 1838.

24. Was that the usual mode in which in former instances security had been tendered, or has there been any written engagement, either to the Secretary of State, or to the governors of the lunatic asylum?—Do you mean in the two last cases, which I before referred to?

25. Those in 1829 and 1832?—I know in those last cases there were securities of 25*l.* each, and the whole was in writing, and there was a security in writing in 1829.

26. Those were cases of larceny?—Yes; in the first of the cases which I mentioned, there appears not to have been a security in writing. He was delivered over to the overseers to take care of him.

27. That also was a case of larceny, and attended with violence?—Yes, that was a case of larceny.

28. Will you be good enough to look at page 3 of the Parliamentary Papers, to a letter signed by the Hon. Fox Maule, dated the 18th September 1837, and state whether Sir Hussey Vivian sent any written reply to the letter so addressed to him; and if so, can you furnish the Committee with a copy of it?—You mean an answer to that letter of the 18th September 1837?

29. Yes?—I do not know that there was any; there is none among the papers.

30. Have you reason to think that the letter which, by Lord John Russell's direction, was written by the under-secretary to inquire from Sir Hussey Vivian, whether the friends of John Nicholl Thom, *alias* Courtenay, are prepared to offer security for his care and custody, was answered?—I do not find any written document in the office upon that subject.

31. Lord Hotham.] What is the date of that memorandum of Lord John Russell?—There is no date upon it; but after it was received at the office the necessary orders were given, so that it must have been made very shortly before the pardon was issued.

32. Sir Robert Inglis.] In the end of September or the beginning of October; the few first days of October?—It must have been about that time; I find among the papers a letter of Mr. Fox Maule of the 5th October, in which he says, "With reference to the case of Thom, I am directed by Lord John Russell to acquaint you that, in consequence of the engagement and promise of the father to receive and take care of his son, John Nicholl Thom, otherwise William Courtenay, he will recommend Her Majesty to grant a free pardon." The memorandum therefore must have been received either the same day or the day after Mr. Maule's letter was written. The memorandum must have been received about the 3d or 4th of October.

33. Lord Hotham.] At all events before his release in October?—Yes.

34. Sir R. Inglis.] It does not come within your knowledge officially that any other communication was made to the Secretary of State in the matter, except those which appear recorded in the Parliamentary Papers?—No.

35. Except those which appear recorded?—No.

36. Will you look in the Parliamentary Paper, page 4, at the memorandum which appears to have been endorsed upon the pardon, and will you state to the Committee what steps were taken, if any, to give effect to that memorandum so endorsed by the Secretary of State, by which it was "requested that William Courtenay may not be discharged until his father (to whom the requisite communication has been made), or some person acting for him, attends at the asylum to receive the prisoner"?—No step of that sort was taken; it is quite unusual. The Secretary of State would not give any direction upon that point. This is the usual memorandum. The Secretary of State does not give any direction in such a case, after having given an order for discharge, or after a pardon granted.

37. Chairman.] Doubts having been expressed as to the strict legality of the discharge of John Nicholl Thom by order of the Secretary of State, as it appears by the medical superintendent that he still laboured under insanity, will you have the goodness to state what provisions there are in the different Acts of Parliament bearing upon this case?—The Act of Parliament relating to this case is the 9 Geo. 4, c. 40, and the section is the 55th. That section relates to persons convicted of offences becoming afterwards insane. The words are, "And be it further enacted, that if any person, while imprisoned in any prison or other place of confinement in England under any sentence of imprisonment or transportation shall become insane, and it shall be duly certified by two physicians

or

or surgeons that such person is insane, it shall be lawful for one of His Majesty's principal Secretaries of State to direct, by warrant under his hand, that such person shall be removed to such county lunatic asylum, or other proper receptacle for insane persons, as His Majesty's said principal Secretary of State may judge proper and appoint; and every such person so removed shall remain under confinement in such county lunatic asylum, or other proper receptacle as aforesaid, or in any other county lunatic asylum or other proper receptacle, to which such person may be removed by any like order, until it shall be duly certified to one of His Majesty's principal Secretaries of State, by two physicians or surgeons, that such person has become of sound mind; whereupon His Majesty's said Secretary of State is hereby authorized, if such person shall still remain subject to be continued in custody, to issue his warrant to the keeper or other person having the care of any such county lunatic asylum, or other proper receptacle as aforesaid, directing that such person shall be removed back from thence to the prison or other place of confinement from whence he shall have been taken; or if the period of imprisonment or custody of such person shall have expired, that he shall be discharged." I apprehend it is clear that, under this section, the Secretary of State was authorized to recommend a pardon to this person, supposing he was of opinion, under all the circumstances, that the criminal justice of the case had been satisfied. If there was no pardon, he would have been necessarily kept there, under this Act of Parliament, till there was a certificate of his being sane. But it is competent to the Crown at any time to grant a pardon to a person who has been sentenced for a crime, wherever he may be, whether he is in a lunatic asylum or in the county gaol. A pardon may be necessary for the ends of justice; it might be recommended even by the judge. The Secretary of State must have been of opinion in this case, that after the individual had been confined so long, justice, so far as guilt was concerned, had been satisfied, and that a pardon was proper. Then he had to deal with him as a lunatic, simply as a lunatic. It was therefore for the Secretary of State to consider whether he ought to be confined in the asylum or whether he might be given up to his family. I think, looking at the question as one of law, there is no doubt the Secretary of State had a power to recommend this man for a pardon at any time; and after the pardon he would have to deal with him as a lunatic. The prerogative of the Crown is not taken away by any words in the Act; that part of the section which requires the lunatic to be kept in the asylum until a certificate of sanity shall be given, applies only to the case where "the person shall still remain subject to be continued in custody;" but in this case it was considered that there ought to be a pardon, and after the pardon the individual did not remain subject to be continued in custody, therefore that restrictive clause did not apply to him.

38. Sir R. *Inglis.*] On the 3d October the Secretary of State recommended a free pardon to John Nicholl Thom, or in other words directed that the period of the imprisonment of John Nicholl Thom should thereby cease, and on the 5th October, two days afterwards, he authorized the governors of the Kent Lunatic Asylum to discharge the said John Nicholl Thom, and to deliver him up to his father, Mr. William Thom, upon the express understanding that proper care should be taken of him?—Yes.

39. On the 3d October there is an order liberating him as a prisoner, and on the 5th October he discharges him as a lunatic?—Yes.

40. Do you hold that, after a prisoner has been discharged by a free pardon (such a pardon as was dated on the 3d October 1837, in the case of John Nicholl Thom, alias Courtenay), the Secretary of State retained any power or control over the party?—Certainly he had no control over him as a criminal; but as the Secretary of State, by his order, committed him to the lunatic asylum, I think the governors of the lunatic asylum would properly expect the Secretary of State to give directions before they discharged him. The governors having received an order from the Secretary of State to receive him as a lunatic, would look to him for further orders; and I think they could not properly dismiss him without some further direction from the Secretary of State.

41. In your judgment that is an exercise of the prerogative of the Crown?—No, not exactly so; it is under this Act of Parliament. The clause expressly gives a power to the Secretary of State, in case a prisoner is insane after sentence, to remove him to a lunatic asylum. He is there in two characters, as a criminal and as a lunatic. With respect to his situation as a criminal, the

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governors of the asylum have nothing to do with that. The Secretary of State has to consider how long he is to be confined under his sentence as a criminal; the pardon puts an end to his state as a criminal under sentence. But, after the pardon, directions were to be given by the Secretary of State, before he could be discharged from the asylum. Upon this question, as to the power of the Secretary of State to remove him from the asylum, I may refer to another section of the same Act (the 44th), which enacts, that where persons are wandering about, and deemed to be insane, magistrates have a power of committing them to a lunatic asylum, there to be kept. But the last clause of that 44th section expressly reserves the right to give them up as lunatics to the relations and friends of the individuals; the words are, "Provided always, that nothing herein contained shall be construed to extend to restrain or prevent any relation or friend from taking such insane persons under their own care and protection." There is a clause also to the same effect in the 39th section, upon the same subject. I would refer also to the 39th and 40th Geo. 3, cap. 94, relating to persons indicted and found by the jury or upon arraignment to be insane. In that case a person is at the disposal of the Crown; the Secretary of State may order him to be sent to a lunatic asylum, or kept in any other custody. The words of the Act are, "That in all cases of insanity so found it shall and may be lawful for His Majesty to give such order for the safe custody of such person so found to be insane, during his pleasure, in such place and in such manner as to his Majesty shall seem fit." Under that clause, if a prisoner were to be found insane by the jury, the Secretary of State might send him to a lunatic asylum in the first instance; he might then remove him to another lunatic asylum, and afterwards might deliver him up to his relations or friends.

42. Mr. Langdale.] Does not that allude to cases before trial?—Not only to those cases. The Act applies also to cases where the prisoner is found insane on arraignment.

43-4. Chairman.] Does anything occur to you further to state to the Committee?—Nothing further occurs to me.

Mr. George Francis, called in; and Examined.

Mr. G. Francis.

45. Chairman.] WHERE do you reside?—At Fairbrook, Boughton-under-Blean, near Faversham.

46. By what authority did you take Mr. John Nicholl Thom out of the Kent Lunatic Asylum?—Mr. Poynder, the medical superintendent of the Kent Lunatic Asylum, wrote me a note to signify that I might come and fetch him; and in that note, which I am sorry I have not got with me, there was a letter from Mr. Thom, specifying that I might come and fetch him; that there was a free pardon granted him; and in consequence of the letter I received from Mr. Poynder, I went there; I think it is about 22 miles: I drove my chaise; and when I got there, Mr. Poynder refused allowing him to come with me; he did not consider himself justified in doing it, although Mr. Thom had written to me; he said that it deputed me to take him, but it did not depute Mr. Poynder to give him up, and therefore he waited for Mr. Thom's letter to depute him to resign him into my hands.

47. Did you give him the letter which has been printed? I dare say you have seen the statements which have been printed by order of The House of Commons?—I do not recollect that I have.

48. Just cast your eye over that letter, at the bottom of page five, addressed to G. Francis, esq., and signed by William Thom?—Yes, I see that letter.

49. Dated, St. Columb, 25th of October 1837?—That is the letter that Mr. Poynder enclosed in his note.

50. And on the authority of that letter he delivered Mr. Thom into your custody?—Not exactly; he refused to deliver him into my custody until he had sent to a magistrate, Mr. E. H. Lushington, who I think lived two miles from the lunatic asylum, and I said it would be far better not to do that, because I had rather go and explain the thing myself to Mr. Lushington. In consequence of that, after driving 22 miles, I walked to Mr. Lushington's house; I there had an interview with him, and I explained the whole of the business respecting what I knew concerning him (there are many circumstances prior to this

this I could state to the Committee). Mr. Lushington said it was inconvenient for him to go to the asylum, but at all events, as I had taken the trouble, he certainly would go there, and put off an engagement that he had made with his physician to attend him; but as I was there, the physician came and had a consultation with Mr. Lushington, who wished me to stop, in order that I should have a seat in his carriage; he then drove me in his carriage; Mr. and Mrs. Lushington were in the carriage as well as myself; we went to the asylum; I was there in conversation with the magistrate and Mr. Poynder, for I had stated to Mr. Lushington what actually occurred in regard to Mr. Poynder refusing to allow Thom to go with me. They rather disputed, or at least conversed together, and then they asked me if I knew the signature of Thom the father; I said no, certainly not, I had never seen him write. "Well," said they, "then we do not know but what it may be a forgery." I said, "Certainly not; at the same time, I think you, gentlemen, will acknowledge that there was a free pardon granted to William Courtenay." It was stated that William Courtenay's pardon had been granted, and I said there was a document, which they showed me, to say that it was requested that he was not to be given up to any individual but the one who was deputed by his father, but there was no signature to it. I said "If you consider that note might be a forgery, I do not know but what it is, but at all events there is a free pardon." I believe I did use the words that I thought the document was illegal, having no signature to it; and it does not say anything further than 'it is requested'; it does not say who requests it, and, therefore, upon the free pardon, I consider that he was delivered up to me. And, indeed, the magistrates, after I had had some conversation with him in their committee room, they wished Courtenay and myself to come out. Perhaps I had better call him Thom?

51. If you please.—I said to the magistrates, I believe there was a letter sent to Mr. Thom, the father, and Thom was desired to write it; he said he could not find it at first; but Mr. Poynder said he had a copy of it, and he found it; it was addressed to Mr. Thom, and merely said that he understood that he might be liberated, and requested that he might be delivered up to me; but he did not direct it, he sent it down to Mr. Poynder, and Mr. Poynder directed it. Mr. Poynder said he had been in the habit of directing his letters; now I have had as many as 20 or 30, and not one of them has been directed by Mr. Poynder; not one. After a consultation with the magistrates had taken place, Mr. Poynder came in to the matron's room, and he addressed me; says he, "Mr. Francis, I feel great pleasure in delivering up your friend, Sir William Courtenay, into your hands; I wish him health and happiness:" and he shook hands with us both. I then took him; but I assure the Committee that it would have been furthest from my wish if I could have known what would have occurred; he made such assurances to me in the asylum that he never would address a multitude, that he never would call upon the poor people or have anything to do with them; that he would give up politics entirely; the only reason I had him with me was, to prove the assertions that he had made; and he said that the only reason that he wanted to come with me was, to prove the assertions that he had made at Canterbury. Now I do not know if it is necessary, but I have got a few dates of things that occurred when I was first introduced to him, which I can refer to.

52. You may make your own statement.—I have made a memorandum of a few things that occurred, which induced me to think that the man was really speaking the truth.

53-4. When was it, Mr. Francis, that you went to the lunatic asylum and received him into your custody?—I think it was 31st October 1837; and there was a circumstance occurred in March 1830, from which I really thought he was an oppressed man: he was put in prison at Canterbury for getting money; it was considered that he had got the money incorrectly; he was in prison, and there was, I cannot exactly tell who it was that raised the report, but there was a report raised, that a rescue was expected when he was in prison, and the mayor sent for the soldiers from Dover, in fish-carts (the Rifle corps); and I do really think, from the manner in which they treated him at the time, that it was the mayor's intention to write to the Secretary of State, to inform him that he was a dangerous man; but at all events the soldiers were sent for, and letters were written. A letter was written to the Secretary of State, informing him that a rescue was expected, and that the soldiers had been sent for.

551.

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55. What

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55. What year was that in?—That was in the year 1833.
56. What period of the year 1833?—The 30th of March; I believe in that newspaper there is a statement to that effect (*vide Statement*, p. 12); likewise a letter from the Secretary of State, and a letter from the commanding officer at Dover; and I think a letter from the officer who had the command of the Rifle corps, thanking the corporation for having saved the city, when I knew at that time there was not the least appearance of a rescue, not the least, and after that he was put into prison; I knew it perfectly well, because it was Alderman Brown who informed me that they had an interview with the surgeon, to know whether the cell which he was in was fit for him to be in, whether it would injure his health; the surgeon's reply was, that it was unsafe, and that it might very much injure his health. And during the time that he was in prison, Mr. Harmer, the solicitor here, was employed to get judge's bail, and he sent Mr. Gibbons, his head clerk, to do the business for him. I was in the prison at the time when Mr. Gibbons saw Thom; he was sitting on one side, as Thom was sitting on the other side of it; he immediately got up and shook hands with him, and said "I hope you are very well," and shook hands very heartily. Thom had told me that, previous to that, he had rescued a Jewess by the name of Solomons, who had got into great difficulty, and had lost him 200*l.* Mr. Gibbons recognized him as the person, and he said that he was dressed in a foreign costume, and most elegantly dressed; that he went about London to several places with him to get the Jewess rescued; she had been buying lace, which was proved, I believe, to have been stolen. I asked Mr. Gibbons how long it was previous to this 5th of April 1833, and he said it was 15 or 16 months before that, and this very man came from Holland for the express purpose of rescuing this Jewess. Mr. Gibbons recognizing him in this way, made me really think that he was telling me the truth. October the 9th, I was introduced to Thom; I went to see him at Maidstone prison, not at the asylum; and I was introduced to a person who called herself his wife, by the name of Miss Perfect of Hammersmith. I stated this to the late Mr. Tyssen, who was chairman of the magistrates; in fact Mrs. Francis was with me at the time, and I really considered, and I am speaking just the same as if I was upon oath, the God above knows I am only speaking the real truth, which I can prove; Mr. Tyssen in conversation said, "Mr. Francis, I really thought that this person was not his wife when she recognized him;" and he said that she went into fits, but certainly they were very curious fits; this was the chairman of the visiting magistrates. I saw a gentleman the same day (Captain Gordon was with me), a gentleman who came and recognized this Thom with Mrs. Thom and Mr. Hugo, the brother-in-law. The gentleman was speaking to Captain Gordon and myself at the hotel. He said he knew him perfectly well; he was there when he was recognized, and he said he used to keep his curriole and a pair of horses, and a footman; that he was one of the best cricketers and the most active man that could possibly be; and when we came to the point why they wanted to recognize him, because when they went to recognize Thom they offered him 40 sovereigns, Thom said in a very violent passion, "I wish I had six inches of steel, you should know what Courtenay's blood was made of." This is correct, I believe, because Tyssen told me so exactly. And when we came to that part of the story, he said, "I never saw him before that day in my life, and I never wish to see him again." He so completely contradicted himself in stating where he recognized him, that I really thought that Thom was telling me the truth. May the 12th, I believe—
57. The same year?—1833, the same lady who called herself his wife came.
58. She went to visit him at the asylum?—Yes; for what reason I really do not know.
59. When was he at the asylum?—He was at the asylum, I think, November the 12th.
60. When was the trial on which he was convicted of perjury?—I think it was in August.
61. Are you speaking previous to the trial?—This is since the trial; I made a mistake; I meant the 12th of November instead of the 12th of May; the same lady went to visit him at the asylum, and I really cannot think for what reason; but Mr. Poynder certainly endeavoured to persuade her to say that I was not to see him, for I kept paying him visits thinking he was a persecuted man; (I declare, before my God now, the only motive I had was from pure kindness

kindness to a stranger); he endeavoured all he could to persuade this Mrs. Thom to say that I should not see him. However, I understood from him, and indeed he told Captain Gordon and myself, that we must have Mrs. Thom's permission before we could see him again; he did not suggest anything about a magistrate's order, but we must have her permission; the consequence was, I heard from good authority that instead of her saying that I was not to see him, she said Mr. Francis has been so kind a friend to my husband, that I cannot refuse him; consequently, when I found that Mr. Poynder knew that she gave permission for me to see him, I then went without a magistrate's order; and when I arrived, to my great astonishment, he says, "No, you must have a magistrate's order," and he would not allow me to see him, and I think I walked nine or ten miles, because, having driven so far, and having to drive so far back, upwards of 40 miles, and a pony, it was too far to go. I walked eight miles to Mr. Jacobson, he was then at Major Wait's, and he was so kind as to give me an order to see him; I then saw him again, but I do not know that there was then any particular occurrence; I believe that Mrs. Thom, for five years, did not go near the asylum to see him; it was not at all like a wife; I continued going to see him, because I really thought from the circumstances that I was doing that which one human being would do for another. I am told that a short time previous to his being released, that she went to the asylum, and she was dressed, I understand, magnificently, fit to go to any drawing-room, and I know at that time they had a little communication with each other for about 10 minutes in front of the asylum; they walked together without any one hearing their conversation; I know that Mrs. Thom was refused several times seeing him; she had great difficulty, when she did see him, to get an order, and then it was only for 10 minutes.

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62. Was she really his wife?—I doubted it, and so did Mr. Tyssen.

63. Do you doubt it still?—I cannot doubt it, because it seems as if it were really proved; but I really think that there has not been any person who has seen this man, who is now dead, who could prove it unless it was his wife; they spell their names different from the name which I had in the order sent to me; I have a letter (*vide* p. 14) which she was so kind as to send, though I had had no communication with her or any of the family, but since his death she was kind enough to write to me, rather attaching some blame, and wishing for all his things; that she had understood he had got trunks at my house, and a valuable grey horse, which I am sure was not worth 5*l.* when purchased; I have kept it for five years; but, however, they said it was a valuable horse. There is another circumstance; Mr. Gibbons, on the 5th of April, recognised him, as I told you, in the prison, and he had stated to me that he had come from Holland for the express purpose of releasing the Jewess.

64. He knew Mr. Thom?—Yes, I think it was April 5th, and he said it was 15 or 16 months before; I am almost confident he said 16 months previous to the 5th April, that he transacted the business for him. But I see by the newspaper, that Mr. Turner says, that in the latter end of 1832 he left Truro. Another thing which appeared rather singular to me was this, that when he was convicted of perjury and sent to prison, instead of being treated as a convict by having his beard shaved, and gaol clothes put on, he never had his clothes taken off, nor was it done at the asylum. I never saw any other patient but what had the uniform of the place.

65-6. That is, you mean he wore his own clothes?—Yes, and did what he pleased. I am sure they behaved extremely kind to him while he was there.

67. Now revert to the point of your receiving him, and taking him home with you from the asylum?—I took him home from the asylum under the promise that he never would have anything to do with the lower class of people, and I think, in about a week after, I mentioned to him that he had promised to prove his assertion; he said, "Yes, but you must give me a little time;" I said, "I will give you a little time."

68. What assertion was that?—The assertion that he was Lord Courtenay; to prove everything that he had asserted. I dare say you have read an account of it. I think he found that I very much disliked his conduct in not proving it; and I am persuaded it was that, as much as anything, that induced him to go to other friends. At least I found that he was going among the lower class, on which I had certainly a very severe dispute with him; and so far as circumstances occurred, I wonder he did not shoot me, or knock me down, for he was

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a very great man. I told him that he had promised me not to go among the lower classes of people, and that he had likewise said he never would address a mob. I said, " You are doing it now, and I do insist upon your proving your assertions." I had little conversation with him after this till the affair in August, upon the point of that affair happening.

69. How long did he remain living in your house?—I should think in the seven months he was at liberty that he was not more than a month at my house.

70. Lord *Howick.*] When did he first leave your house?—I really do not know. I have not got a memorandum of it myself; but from a diary that my wife keeps, I have found that he was not more than a month, at different times, out of the seven months, at my house.

71. Lord *Hotham.*] Did he leave your house shortly after this violent dispute?—He went to my labourer at my cottage, and there he frequently was to my annoyance.

72. I mean, did he cease to reside in your house shortly after that dispute took place?—Yes, and previous to that he only came occasionally to my house.

73. Lord *Howick.*] Did you consider him really to be of unsound mind after he came to your house, or not?—If I had I certainly would not have taken him.

74. You considered him to be sane?—I really did, because the matron, who was a very clever woman, and those who conversed with him, said they never saw anything insane, in any respect, in his conduct.

75. Did you ever see any disposition to violence in his conduct?—Never. I am sure that the advice he has given me no one would scarcely credit; he has given me such advice to obey those who were in authority, although ever so much beneath me; according to the laws of the land I was to obey them, when they were put in authority over me; and he always spoke so highly of his country; and he said that the laws of the land always ought to be supported and obeyed. He would go on in that strain, only in far better language; he used very superior language in respect of his religion; and really I considered he has done me quite as much good as any clergyman that I ever heard, and rather more, and therefore I was fascinated with him; but I found he did not do that which he said he would, and therefore I considered that he was a false man. Then before that, previous to this occurrence, which was on a Thursday—

76. The quarrel, you mean?—No, not the quarrel; the fight that took place—

77. You mean, you did not consider him insane?—No.

78. Now when did you alter your opinion upon that point, about his sanity. During the seven months that he was out of prison, he was one month of the whole time staying at your house, and you say you did not consider him insane; when did you alter your opinion about his sanity?—I did not alter my opinion till the day of the battle. I thought unless he had been right in his senses, that it was impossible for him to talk as he had done to me; it was impossible for him to do it. But when I found, on the 29th or 30th, as I was walking down my field to my men, one of them told me that Courtenay had gone up with 14 or 15 men, with a loaf of bread upon a pole, and he had a flag flying at Willes' cottage, which was my cottage; I then said, "This looks very bad," and I immediately went to the Rev. Mr. Marsh; he was not at home, and I then went to Mr. Jarman, who is one of our respectable gentlemen of the parish, to consult him what to do: this was on the 29th. That was the first time I had seen anything of his encouraging the poor people. I then went to Dr. Poore, and gave him information respecting another meeting which I understood was to be held on the following day, the Wednesday. I had heard that there was to be a meeting of about 400 or 500 men at the bottom of Boughton Hill; on which day I was astonished to learn that Thom and about 30 or 40 men had gone through the village of Boughton as early in the morning as four or five o'clock, and had proceeded towards Sittingbourne. Of course going to Sittingbourne, which is just by Dr. Poore's, the magistrate, I thought he must hear something of it, and I had not the smallest doubt in the world that I should see him come back in the way in which he went; in fact, I did not see him go to Sittingbourne,

Sittingbourne, but I understood that he went with 40 or 50 men, with bread upon a pole, with a flag flying, with pistols and a sword, and returned to Linstead, Doddington, and got through the country; he then returned to Bousden. I did not hear of his return till the following morning, and then I was told that he had shot Mears. Now Mears was not the constable; and I understood afterwards that he, with six or seven men, on Sunday morning, came to my cottage, that is, to Willes', and that Thom gave those men 3s. 6d., which they spent in bread, cheese and beer. I believe this Mears partook of some of it; and he had said, I believe, to Thom himself, that he never would leave him. Now it appeared that he was the first man who went to take Thom, and two men who had deserted from Colonel M'Crackin's service; that he was the first man who went to take him. Now I should have thought that Colonel M'Crackin would have known better than to have sent three men against about 35. But, however, I do not know how far he might probably have been justified in doing it; two men had left his service; and this constable with these two men went to take about 34 or 35 in Bousden that morning, and immediately he presented himself, I have a shrewd suspicion that Thom recognised him; and whether it was from passion, or whether it was from insanity, I think it must have been passion, in fact passion is insanity to a certain extent, that he shot him immediately; so I understood.

79. Mr. *Langdale*.] All this, I believe, you heard?—Yes; in respect of the battle; I saw nothing of that. I am telling you what I was told. I am extremely sorry to say that after he had shot this man he came to my house with a party. He came, and said, "I want to have some gin and water for my men." And he said, "It is no use denying it, for I will have it." Now, I have two men to prove that fact.

80. Chairman.] You were not there yourself?—No, I was not. I came to the door. I thought the ladies would be frightened, and I must say that I was frightened myself. I went to the door; they were calling out for some beer, and I said "They shall not have any beer." "Oh," says he, "let them have it now they have got it." He then said, "Francis, I have now come to make my peace with you," and he shook hands; "I have come to make my peace with you, for there is no telling what may happen before night." I then told him, "If you are not the man that you have pretended to be, the sooner the thing happens the better, and there is no punishment too bad for you." Just as I repeated those words there were some gentlemen with constables coming down the lane before my house. The men said, "Here comes the soldiers." He said, "Well, there's not room to fight here." He then went down my field (I dare say the Committee may have seen the account of it) into the osier bed. One or two of the magistrates, with the gentlemen and the constables, stood in the centre of my field; they seemed to bid each other defiance; they came half-way up the footpath, but, however (I think properly), they did not meet them. He then said to his men, "Now let us see what these men are made of;" and they immediately came up, one by one, and the magistrates and the constables retreated. He then marched past my house, and went to Bousden, but I did not see all that took place at that time. I believe my neighbours were very much annoyed, thinking I had encouraged him by giving him beer; but when a man comes, and demands positively, after murdering a man, what is one to do? I really am astonished that he did not shoot me, after what I said. Dr. Poore went down to Bousden with Mr. Marsh; he sent for me, saying that he wanted to see me. I immediately went. Some of my neighbours said, "Why don't you come, and help us to take Thom?" I said, "I cannot; Dr. Poore has sent for me." I will leave it to you, gentlemen, to consider my feelings, when he was in my field, and I expected a battle would ensue between Courtenay and them, and I had left only females, my wife and daughter, in my house, unprotected. I went down to Dr. Poore, according to the order I received. I then came back, and I found that Thom had marched his men to Bousden. I can assure you I had not the least doubt in the world of his being insane, otherwise I was the most unfit person that could possibly be.

81. Lord *Hotham*.] It seems you never had any authority or any direct control over him after the time he was delivered up to you?—Not the least.

82. Sir *Robert Inglis*.] Did you make any communication to his father in Cornwall of his state?—No, I did not, because from circumstances I really did not think he was his father, nor the woman his wife.

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83. Mr. *Langdale*.] If I understand you, you considered him to be the Lord Courtenay that he described himself to be?—Yes, he called himself Lord Courtenay, and he considered himself to be so.

“THE King of the Gypsies.

“Sir William Courtenay, of Powderham Castle, Devon, heir to the Hales’s Blood and other Lands, King of Jerusalem, Prince of Arabia, King of the Gypsies, defender of his King and country, &c., now in the city gaol of Canterbury.”—Extract from a nondescript publication printed at Canterbury, by one Elijah Lazarus, Saturday April 6, 1833, and sold for 1 d.

“By that beard thou wert found out and marked for sovereignty; oh, happy beard, but happier prince, whose beard was so remarked as mark our prince, not bating us a hair! Long may it grow, and thick and fair.”—*Beaumont and Fletcher’s Beggar’s Bush*.

“Isn’t he a rum un.”—*Ballad of the Mysterious Minstrels*.

(See *Observer* of April the 4th.)

Friday last was a proud day for Canterbury. The king of the gypsies made his triumphal entry. After passing in procession through the principal streets of the city his majesty alighted at his old palace, St. Augustine’s. We cannot adequately convey an idea of the enthusiasm with which he was received. The shops were all shut, the windows were all opened and thronged; all the streets were crowded, everybody was laughing, huzzaining, singing; little children clapped their little hands for joy, as they sat astride their father’s necks, others waved little blue flags tied to little blue sticks, and their dear little voices, as they shrilly cried “Cortny for ever,” had the prettiest effect imaginable; their mothers, grandmothers, aunts and cousins grouped together at every corner, talked—oh, ye gods, how they talked of his majesty’s beard, and vowed he was “the nicest man they had ever seed.” Dark blue being his majesty’s colour, all who had blue gowns put them on; they who had none trimmed their bonnets with blue ribbons, and they who had no bonnets to trim tied their caps with blue ribbon under their chin. Where ribbon was too expensive, blue-pocket-handkerchiefs were put in requisition, and might be seen streaming from lattices in St. Dunstan’s, along with a blue teaboard (with a full length figure of his majesty in the centre) suspended from the bow window of a tinman, and a banner of Sir William Cosway waving from one of the minor hotels in that place. Blue pennons, too (they bore a marvellous resemblance by-the-bye to blue garters) fluttered in the air, while two donkies harnessed to a sand-cart, tandem fashion, had blue rosettes on each side of their ears, and half a yard of blue list tied to their tails, which they switched about with evident consciousness of the occasion. In short, everything blue in Canterbury was made to do honour to his Majesty, except the blue magistrates and their friends; and we are informed that even they, though they would not confess it, could not help looking blue. For our own parts, we are not ashamed to confess we partook of the general fervour, and, putting on our blue cloaks, sallied forth to witness the entry. Moreover, as we like to be in time when there is a sight to be seen, and as we learned from a proclamation issued by one of his majesty’s principal officers, Elijah Lazarus (or Lazy Lazarus, as he is familiarly styled), that it was his majesty’s determination “please God” to arrive at four o’clock, we set out at half-past three. Nor were we sorry we did so; for as it was half-past six before he came, we had three good hours by “Shrewsbury clock” to look about us. The whole line of road to Harbledown-hill, and beyond, was crowded with people; we should say there could not be less than from 20 to 30,000 persons assembled, and might be more, judging from the 5,000 freeholders whom we had the satisfaction of seeing accommodated last autumn in the yard of the Fountain Inn. Some of our readers, especially our more distant ones, may not perhaps understand why we have made our estimate with reference to this particular standard. It may be necessary, therefore, just to explain that, during the never-to-be-forgotten mayoralty of the predecessor of our present worthy chief magistrate, a blue meeting was got up out of doors to defeat one which was taking place in-doors, both meetings being held simultaneously, the latter in the large room of the Fountain, the former in the little yard of the Fountain. Some ingenious gentleman anticipated the Herald that upwards of 5,000 freeholders were assembled on the occasion, not 5,000 persons (which would have been bounce enough) consisting of Jack, Tom, and Harry, tag, rag, and bobtail, but 5000 freeholders, which was a tremendous bounce. Hence, whenever we wish to convey the notion of a great deal crammed into an impossible space, we always do so by referring to these miraculous 5,000. By the same precedent we should also say, they were all freeholders. The afternoon was showery; but as the evening advanced it cleared up, the elements themselves deigning to be propitious to his majesty’s desires. We were the more pleased at this, because we heard in the course of the morning that a spick and span new dress with silver buttons, which had been exhibited at a tailor’s in Burgate, at twopence a piece, was sent to meet him at Boughton; and our very eyes would have rained tears had the envious clouds rained water upon this maiden vest. It might be about half-past five, when a distant shout was heard upon Harbledown Hill, by those who, like ourselves, were loitering in Saint Dunstan’s Church-yard. “Here he comes; there he is,” exclaimed a thousand voices at once; “Oh, daddy, daddy,” cried a lovely little fellow who appeared to have been newly breeched for the occasion, “he’s coming”—“Lork, how glad I is,” responded a charming rosy cheecked girl, not more than

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Mr. G. Francis.

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seven years old, with a peculiarly pleasing cast in her eye, and who from the strong resemblance, was certainly the lovely little fellow's sister. "Lork, how glad I is, for I do want my tea so; Cortny for ever, Cortny for ever!" We could not help pitying the poor things, when it turned out that instead of Cortny, it was only Lazy Lazarus in a new sky blue suit trimmed with yellow galloon, who had been recognized by the impatient crowd, and greeted with a few spare cheers. We now sauntered back to Westgate, not wholly without some affectionate yearnings towards tea ourselves, though heroically determined to resist every importunity that way of our inner man, until the pageant had passed. At length he did come; and terribly alarmed we were at one time lest there should be a fearful clash of rival exhibitors; for just as his majesty was seen advancing through the turnpike gate, two bears, two monkeys, and a dromedary, preceded by a cracked fife and an unbraced drum, were advancing through Westgate. When "Greek meets Greek, then comes the tug of war;" and who could answer for what might have happened, had bears and monkeys met? Fortunately, however, the four legged bruius and jackoos turned downwards towards White-hall, and left the road clear for the others. There was something very grand and imposing in the cavalcade as it moved slowly along Saint Dunstan's, notwithstanding it consisted of only three horses and a brewer's cart. Some say there were four horses, but we only saw three; and as we are determined to state nothing but what we did see, we shall stick to that number. On the first of these horses, and heading the procession, sat a tidy gentleman, whom the people around us said was the "divine Parker." His palfrey was led by two pages, in fustian jackets and corduroy breeches. There was a calm dignity in his look, faintly relieved by the occasional smile that played across his pale features, which irresistibly attracted attention. It was evident, however, from his uneasy position, that nothing but devotion to his majesty's cause could have induced him to tempt the destiny of Mr. John Gilpin, who, as history informs us, went further and faster than he intended, though he came safe home again. On the second horse was His Majesty, the King of the Gypsies, King of Jerusalem, Prince of Arabia, the only male child of the last Lord Courtenay, of Powderham Castle, heir to the Hale's blood and other lands, &c. bare headed, bowing gracefully from side to side, kissing his hands to the peerless beauties of St. Dunstan's, sitting his proud courser like an Arab of the desert, and breathing the incense offered by what the Herald and its party used to call the enlightened people. It was just the same sort of incense as was snuffed up by Sir William Cosway, the Rev. Mr. Lacey, Mr. Alderman Brent, Mr. Alderman Henry Cooper, and the rest of our enlightened liberals in the Fountain yard, and at the poor reform dinner. But times are changed since then. We are credibly informed the said enlightened liberals now regard their once enlightened people as no better than the "swinish multitude." On the third horse sat a person whom nobody seemed to know. He rode next his majesty, and appearedly profoundly affected by the sublimity of the scene. Close to the rear of these three equestrians came the brewer's cart, filled with distinguished characters, in the midst of whom was seated a grave portly mufli, with a grey beard (which had more of a woolly than originerous appearance), just beginning to sprout. We learned upon appearance that this personage had made a vow never to shave again till his majesty was acknowledged as the true Lord Courtenay, of Powderham Castle; in imitation, we presume, of the renowned Martin Van Butchell, who made a like vow never to let a razor touch his chin till Lord George Gordon was liberated from Newgate; and as his lordship died in Newgate, Martin died with his beard on. We omitted to mention that a large blue flag, bearing the motto, "Truth bears off Victory," and a little blue flag, inscribed, "The British Lion will be free," waved proudly in the van of the procession. At Westgate, his majesty made a speech, which we did not hear, in consequence of the vehement cheering of those who were in the same predicament as ourselves, but who nevertheless considered it their bounden duty to hurrah every time his majesty looked as if he had said something to the purpose. Opposite the Rose, his majesty made another speech, some parts of which we did hear, and from which we gathered that it is his majesty's determination to prosecute the mayor and corporation for sending him to gaol; that he freely forgave Thomas Stroud, the waiter, at whose instance he was sent to gaol; that he defied any one to produce another living Lord Courtenay except himself: "They can't, the waggrons," (exclaimed a lady in a blue bedgown festooned above the elbows with two black corking-pins, who stood just before us, and seemed to "drink in the delicious music" of his voice, as she listened with her own mouth wide open,) "they can't, the waggrons." For ourselves, we confess, his majesty's logic did not strike us so forcibly. It appeared to us he might have insisted upon being Buonaparte by the same argument, seeing that if he had so insisted, another living Buonaparte could not easily have been produced. We ought to mention that all his speeches were delivered *à la Ducrow*, his majesty balancing himself all the while upon his horse's back. When the last was concluded, the procession moved on to the Cattle-market, across Oaten-hill, to the old Dover-road, down Watling-street, St. Margaret's, Guildhall-street, and into Palace-street, Northgate-street, Union-street, Broad-street, to the Old Palace, where he took leave of his friends. We have thus endeavoured to give a faithful description of this extraordinary affair, for an extraordinary affair it was; and we shall conclude by simply asking the enlightened people of Canterbury what they think of themselves? We should not like to ask them what they suppose other folks think of them, lest it might suggest a disrespectful answer. It would be unfair, however, not to ask the same question of our worthy blue magistrates, and at the same time request them to recollect what happened last year when a majority of their body were for sending the men who committed the outrage upon the Archbishop to the Assizes, while two, the then exemplary mayor and Mr. Alderman H. Cooper, took upon themselves to impose a small fine only, in defiance of that majority.

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Venily they have shown the true mettle of which they are composed, and removed all doubts, if there were any to remove, as to the length which a liberal will go in supporting the liberty of the subject.

## Important Official Correspondence.

At the Court Burghmote, last Tuesday, the Right Worshipful the Mayor put into the hands of the Town Clerk four letters addressed to J. J. Peirce, Esq., Clerk to the Justices. These letters, we understood, were read in the following order: 1. A letter from the Lord Lieutenant of the county, and Custos Rotulorum, the Most Noble John Jeffreys Pratt, Marquis Camden, K.G., &c. &c., conveying to the Right Worshipful the Mayor and Corporation, in their capacities as magistrates, his approbation of, and thanks for, their prompt, zealous, and intrepid conduct in saving the city at the time of the alarming riots. 2. A letter from the Secretary of State of the Home Department, or the Under Secretary, S. M. Phillipps, Esq., (we are not quite certain which) to the same effect, and informing them they had done their duty. 3. A letter from the commanding officer of the dépôt at Dover, in which he congratulates them on their success in having saved the city. 4. A letter from the commanding officer, Captain Gossett (whose head received the stone said to have been intended for somebody else), thanking them, not for the preference given him on that occasion, but for the civility and attentions he and his men met with when they came here in such a hurry to assist in saving the city, &c. Will our readers believe it possible that the farce was carried so far? They must e'en do as they like about believing it, but we can tell them such is the fact. Why the letters were read at all at the burghmote we know not, relating as they did to an affair purely magisterial; but we suppose it was in order to convince the citizens of Canterbury that, though they did not know it, the city was actually saved by our inestimable magistrates on the memorable night of the 80th of March. Indeed, one of them was heard to say, after the letters were read, "this will show our fellow citizens that we have done our duty." It would have been more to the purpose had they shown their fellow citizens the danger, and informed them at what hour on Saturday the riots were to be heard of. But the farce is now complete. These letters were all written, we presume, in answer to communications officially made by Mr. Pierce in the name of the magistrates. Those communications would be worth a Jew's eye. What could he have said; what romantic picture could he have drawn of hairbreadth escapes, tremendous mobs, awful plots, dreadful outrages, and sanguinary violence, to produce such thanks, congratulations, and approbations, for having saved the city? Saved the city! Saved a fiddlestick. Four old women and one old man, with three birch-brooms, would have saved the city just as effectually. Two windows that were broken in the Guildhall, and a head that might have been broken in Guildhall-street, the whole valued at 100*l.*, (*vide* bills offering the reward) constituted the sum total of the mischief done, threatened, or meditated. We hope the letters sent to the Lord-lieutenant, the Secretary of State, and the military commanders, will be forthcoming by hook or by crook; they will be the true key for as arrant a sample of what Dr. Johnson called "a storm in a slop-basin," as was ever produced by fear frightening pomposity out of its wits.

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Letter addressed to George Francis, Esq., Fairbrook, Boughton, Kent, dated St. Columb,  
June 4, 1838.

Sir,—This day's paper has given to my husband the melancholy intelligence of the direful death of his only child, John Nicholls Tom, whom you took from the asylum, and received as Sir W. Courtenay. You must have been aware that was not his real name; under that name you could not have released him from his confinement. It was to my husband, Mr. Tom (his father) that his pardon was granted, and he authorized you to take him out. When he left your roof, you ought to have acquainted his friends, of whose residence you could not be ignorant, as his wife and her brother-in-law, Mr. Hugo, have been several times to see him. It was his own friends, to whom he was so dear, that saved him from transportation; and let me ask you, sir, this simple question; had we not been convinced that he really was Mr. John Tom, should we have taken so much pains to get him liberated? Mrs. John Tom certainly knows her husband, to whom she had been married so many years. Mr. Poynter, the medical superintendent of the asylum, was convinced the lady who came from Cornwall was his wife, and many times told you so. With him I regularly corresponded, as my husband has for years been afflicted with gout in his hands, which prevents his using his pen, unfortunate young man. My motive for writing you now, sir, is to ascertain if you have seen his remains decently interred, and where, for it is utterly impossible for any of his relations to arrive in time for that purpose. We should likewise wish to be favoured with an account of him, why he left your house, and whether you could not discover the unsound state of his mind; had you written to us, we should have fetched him; no expense would have been spared to bring him home, and I cannot avoid, sir, reflecting on you for aiding him in his delusions; but for going to your house, I am certain he would have returned to his friends, and, like the prodigal son, been received joyfully. He informed us when he left the asylum, that he had trunks at your house, and a very fine horse; the only reparation in your power to his afflicted family will be to send everything which belonged to the dear unfortunate to them. I trust you will immediately oblige my afflicted husband with a line; it will be gratefully received by him as well as her who subscribes your most obedient Susan Tom. Address Mr. Tom, St. Columb, Cornwall.

*Sabbati, 28° die Julii, 1838.*

MEMBERS PRESENT.

Lord Howick.  
Sir Robert H. Inglis.  
Mr. Shaw Lefevre.

Mr. Fox Maule.  
Mr. Pendarves.

EDWARD W. W. PENDARVES, Esq., IN THE CHAIR.

[*The following Letter, delivered in by the Chairman, was read as follows:*]

Sir,  
My husband, Mr. Tom, this morning received your order for his attendance before the Committee of the House of Commons on Friday next. It is my painful task to inform you that he is ill, and totally unable to assist himself in any way whatever; he is yet unable to surmount the heavy blow the late melancholy catastrophe gave him, as you will see by the surgeon's certificate, which I now enclose.

We regret, deeply regret, that an act of kindness and humanity of both Lord John Russell and Sir H. Vivian should be thus misconstrued; and, was my husband in a state to undertake such a long journey, gratitude would induce him to comply immediately with the order; yet allow me, sir, to observe to you, that our finances are at present very low; since the death of poor John our rents have been all stopt, and we are left destitute. He made a will on the 16th of February 1832, after he had been proved insane, and gave all his property to his wife, who had 200*l.* per annum without it, and did not consider he had a parent, for he did accept even that parent's own property; therefore it cannot be a matter of surprise that Mr. Tom should feel it both in mind and body. He desires me to say that he will, on oath, affirm what he has already said.

I am, &c.

St. Columb, 22 July 1838.

*Susan Tom.*

[*The enclosed Certificate was read.*]

I hereby certify that Mr. William Tom is at present in a very infirm state of health, and not equal to bearing the fatigues of a journey to London without great risk.

Sir. Columb, Cornwall, 22 July 1838.

*T. D. Martyn, Surgeon.*

*Edmund Turner, Esq., M.P., called in; and Examined.*

84. ARE you acquainted with Mr. Thom, the father of John Nicholl Thom? — Yes.

*Edmund Turner,  
Esq., M.P.*

85. Do you know who suggested to him to make application to Sir Hussey Vivian respecting the release of his son? — It was my suggestion.

86. Do you recollect the time at which you suggested it to him, or when the application was made? — It was not very long before the period that I was returned for Truro.

87. Was it a personal application in the country after you left town? — It was an application personally on the part of Thom's relations in Truro, and it was my application to Sir Hussey Vivian, as far as regarded Thom, the father, and Mrs. Thom, the stepmother; because the wife, the now widow, of John Nicholl Thom, is a resident of Truro.

88. That was about the time of your being elected member for Truro? — About that time.

89. Have you had any communication with Thom or Whitefield since the question was brought before The House a short time ago? — Not at all; I have studiously avoided it.

90. Were you aware how Mr. Thom, the elector, voted at the last election? — I have heard since the election that he had voted for Sir Hussey Vivian, and for Sir William Trelawny.

91. Did you give him an introduction to Sir Hussey Vivian at the time, do you recollect? — The introduction to Sir Hussey Vivian was originally given to the wife, that is the now widow; and I am very much disposed to believe that the

*Edmund Turner,  
Esq., M.P.*

28 July 1838.

letter which I gave to the wife, was kept in her possession for a considerable period after I gave it.

92. That letter was an introduction to Sir Hussey Vivian, stating the case of her husband?—Exactly; and the introduction was couched in exactly the same sort of language in which I have been accustomed to address Sir Hussey Vivian in writing to him.

93. Sir R. H. Inglis.] You have stated that this application was made after your own election for the borough of Truro?—About that time.

94. Had you any special reason for transferring to Sir Hussey Vivian the office of applying to the Secretary of State, rather than undertaking it yourself?—I firmly believe, that had Sir Hussey Vivian not been a candidate for the county, and had not Sir Hussey Vivian been in Parliament, that Sir Hussey Vivian would have been the man that I should have selected for this purpose, in preference to myself; and I may say, that Sir Hussey Vivian has long previously to that done, not similar, but very many acts of kindness of that character, asked by one gentleman of another.

95. Had the father of the lunatic been in the habit of giving support to those of your own political opinions in the borough of Truro?—No; he has no sort of influence whatever, not the most remote, in the borough.

96. Had he, though not having any interest in the borough of Truro, any interest in the county of Cornwall, either personal or otherwise; and had he used such interest in any former instance, within your knowledge, in support of the same political opinions which he maintained in the last election?—My answer to the former part of the question would be, that Thom, the father, had no kind of interest whatever in the borough of Truro. My next answer would be, following up that question, that I never knew how Thom voted at any previous election whatever.

97. You wish, then, the Committee to understand, that your application was made as a matter of humanity to the person whom on any other occasion you would most likely have requested to assist you in any similar case?—Perfectly, as a matter of humanity; and I should have done the same thing had Thom not been a voter as though he was a voter.

98. Chairman.] Had your application to Sir Hussey Vivian anything to do, directly or indirectly, with Mr. Thom's vote for the county of Cornwall?—Not in the slightest degree.

99. Sir R. H. Inglis.] It was the application of a gentleman residing in Truro, in behalf of the son of a poor neighbour, and was directed solely by motives of humanity?—Perfectly by motives of humanity; I should have done the same for the poorest man in the town.

100. Chairman.] Had you, on former occasions, made similar applications to Sir Hussey Vivian, where the object was to obtain something for the cause of humanity, in which you thought he had influence?—Unquestionably.

101. The late unfortunate John Nicholl Thom was in your employ, was he not?—He was in my employ for a considerable period, and entrusted with a considerable amount of property.

102. Was he a clerk of yours?—He was a clerk to the firm of Lubbock & Company, in which I was partner, in the wine and spirit trade.

The Right Honourable Sir Richard Hussey Vivian, Bart. M.P., called in;  
and Examined.

Right Hon.  
Sir R. H. Vivian,  
Bart., M.P.

103. Chairman.] DID you at any time receive an application from Mr. William Thom, the father of John Nicholl Thom, relative to his release from the lunatic asylum?—I received no application direct from Mr. Thom; I received the application through Mr. Turner, the member for Truro.

104. Do you recollect when you received that application?—I understood that a letter of introduction was given to Mr. Thom to hand to me, in order that he might lay his case before me; that letter of introduction was put into my hands at a public meeting at Bodmin by the father; I was so much engaged at the time that I put it at once into my pocket without opening it, and said, any case that you have to lay before me give me in writing, I cannot attend to it now; that, I think, must have been immediately before the election.

105. Did he repeat that application on any future occasion?—Subsequently, towards the end of August, I received an application from the mother-in-law of John

John Nicholl Thom, the wife of the person who first applied ; that was the first time that I took any steps upon the subject.

Right Hon.  
Sir R. H. Vivian,  
Bart., M.P.

28 July 1838.

106. Was that before or after the election for the county ?—I was elected on the 8th of August, and the letter of the mother was dated the 16th of August, but owing to some cause or other, it was not put into my hands until the very end of the month.

107. In consequence of that application, what steps did you take ?—Whether I forwarded it with the letter to Lord John Russell, or whether I gave it to him in person, I really cannot recollect ; but I spent a week at Endsleigh about that time, with Lord John Russell, and I think I must have put it into his hands, and spoken to him upon the subject, as I cannot find that there is any application from me recorded in the Home-office.

108. Do you recollect when Lord John Russell made any communication to you in consequence of that application ?—No ; I have no recollection of it at all, but I see in the papers laid upon the table of the House, that I am stated to have said to Lord John Russell, that the father would take charge of his son, and I have no doubt that I must have made that communication, either in writing or personally to Lord John Russell.

109. Sir R. H. Inglis.] Were you aware when the letter of introduction was placed in your hands from the father of John Nicholl Thom, what the purport of it was ?—Not the least ; I had no conversation whatever with the father upon the subject ; he might have said that he wanted the release of his son for what I know ; this occurred during a public meeting ; I should not have recollected the circumstance if it had not been brought to my mind by Mr. Turner.

110. Were you aware of the political opinions of the father of the lunatic ?—Not the least ; I had no conception how he had voted, nor was I aware of it until a considerable time after ; Sir Edward Knatchbull had stated the case in the first instance, then I inquired, and then, for the first time, I learnt that Mr. Thom had voted for me.

111. Mr. Turner has stated that his object in recommending the case to your attention was an object of humanity ; the Committee presume that your object in taking it up was a motive of humanity also ?—I can truly say that I had no other object whatever.

112. Chairman.] Are you acquainted with Mr. Whitefield, of St. Columb ?—I dare say I have seen Mr. Whitefield, but I am not personally acquainted with him.

113. Have you received a letter from Mr. Whitefield ?—I have.

114. Here is an extract of a letter ; is that a true extract of the letter you received ?—The letter to which the honourable Chairman refers was a letter voluntarily written to me by Mr. Whitefield ; from that letter I have had this extract made ; I do not put in the whole letter, because the latter part of it had reference to a personal request made to me by Mr. Whitefield, utterly and totally unconnected with this subject ; I will read the extract ; I vouch for its accuracy : “ I hope you will pardon the liberty I am taking by intruding myself on your notice ; I have resided in this place for 33 years, am an elector for East Cornwall, and, as is well known in the neighbourhood, have always taken an active part in canvassing on the Reform side ; it was to me that Mr. William Tom, the father of the late unfortunate John Nicholl Tom, promised to vote for you and Sir William Trellawny, several months before the last election. I was formerly a clerk in an attorney’s-office and banking establishment, but for the last 20 years have practised as a conveyancer, auctioneer, &c., on my own account, and am very well known to Mr. Willyams of Carnanton, Mr. Turner, the member for Truro, Mr. Lyne of Liskeard, Mr. C. Wallis of Bodmin, and generally to the whole of this neighbourhood, with the greater part of whom I have had some transactions in the way of business.”

*Martis, 31° die Julii, 1838.*

MEMBERS PRESENT.

Lord Howick.  
Sir Robert Inglis.  
Mr. Shaw Lefevre.

Mr. Fox Maule.  
Mr. Pendarves.

EDWARD W. W. PENDARVES, Esq., IN THE CHAIR.

Mr. James Whitefield, called in ; and Examined.

Mr. J. Whitefield.

31 July 1838.

115. Chairman.] YOU live at St. Columb, in Cornwall ?—I do.

116. What are you ?—A conveyancer and auctioneer, and general agent.

117. Do you know Mr. William Thom, the father of John Nicholl Thom, deceased ?—Perfectly.

118. Is he an elector for East Cornwall ?—He is.

119. Did you canvass him at any time for Sir William Trelawny and Sir Hussey Vivian ?—I did.

120. How long was that before the last election ?—Many months ; I should say four, or it might be six.

121. Did he promise you to support those two candidates ?—He did.

122. That was about the time that Sir Hussey Vivian declared himself a candidate for that part of Cornwall ?—Yes ; I believe, though I am not perfectly certain as to that, that he was one of those who signed the requisition to Sir Hussey Vivian, which was before the canvassing took place. I am not certain as to that. There was a requisition signed by the electors of East Cornwall, and a great many of the St. Columb electors signed it.

123. You are an elector yourself, I suppose ?—I am.

124. You are quite sure that it was before the election took place that you canvassed him, and got the promise for Sir William Trelawny and Sir Hussey Vivian ?—Yes.

125. Sir Robert Inglis.] Did William Thom, to your knowledge, ever vote on any previous occasion ?—He voted at the time of the election, when Mr. Pendarves and Sir Charles Lemon were elected. I believe he did, though I am not perfectly certain whether he did or not.

126. If he did vote, on which side was he likely to have voted ?—On the Reform side.

127. Did you ever hear that he had given his support, or his promise of support, at any period to a candidate on the anti-reform side ?—I have heard, since this matter has been talked of, that he did promise to vote for Lord Eliot, but he never said anything of the kind to me.

128. At what period did you first hear that William Thom had promised to vote for Lord Eliot ?—It is since the death of his son.

129. Had you reason to believe, at the time when you canvassed him for Sir Hussey Vivian, that he was likely to have given any promise of support to an opposite candidate ?—I am not aware ; I have not a recollection of anything of the kind ; I perfectly well recollect calling upon him, and I can get a confirmation of it from two or three others. I asked him to vote for Sir William Trelawny and Sir Hussey Vivian ; he said to me, “ Which side are you going to vote ? ” I said, “ For them ; ” then he said, “ I will vote on the same side as you do. ” There are one or two persons who have spoken of this to me who could confirm it ; it passed in Pokinghorn’s house.

130. Had you reason to believe, during the interval between your application to William Thom and the day of the election, that his vote was doubtful ?—Not in the least.

131. In point of fact, he voted for Sir William Trelawny and Sir Hussey Vivian ?—He did.

132. Having

Mr. J. Whitefield.

31 July 1838.

132. Having, on a former election, voted for a candidate in the same general line of politics?—To the best of my recollection he did; if he voted at all, I think he would have done it.

133. Did you ever know that he voted in any other line of politics?—I do not know that he did; I am not aware of any such thing.

134. Have you reason to think that he ever did?—No.

135. Did you ever hear that he did?—No; I do not know that I ever did.

136. In point of fact you applied to him to continue the support which he had given to the same principles, and you have reason to think that he did give unvaryingly, that support to those principles?—Yes, that is my opinion, as far as I know, though it might have been otherwise.

137. Mr. Fox Maule.] Have they meetings on anti-reform principles in that neighbourhood?—No, not a general meeting; we perhaps meet 10 or 12 together, in that sort of way, but no regular meetings; the meetings are generally held at Bodmin, when there are any.

138. Chairman.] You have no district meetings?—No, nothing of that kind.

139. Mr. Fox Maule.] You have no meetings of that description?—No, nothing of the kind.

140. Did Mr. Thom, to your knowledge, ever attend any reform meeting at Bodmin?—I do not know whether he did or not.

141. In what state of health has Mr. Thom been for some time past?—He is an infirm man, and very subject to gout; he is laid up for two or three months together, at times.

142. Then he is not a person likely to leave his home to go any great distance to attend meetings?—No, I do not think he is.

143. Is he considered generally, in the neighbourhood, as a Reformer?—Yes, he is considered so, certainly.

144. And you think that if he had voted for a Tory candidate it would have been a matter of public remark?—It would.

145. Sir Robert Inglis.] Are you aware of any application being made by Mr. Thom to any person on behalf of his son; and if so, state to whom, and under what circumstances such application may have been made, or was made?—What time would you allude to?

146. The question is general. Are you aware of any application having been made at any time by Mr. Thom, the father, before the election in the year 1837, on behalf of his son; and if so, state to whom such application may have been made?—I recollect a twelvemonth ago, his speaking with me, and saying, that his son was perfectly recovered; and that he wished he could get him out of the asylum.

147. Mr. Fox Maule.] That is, a twelvemonth after the election?—Yes, or a year and a half after the election; and I said, that I thought there was no great chance of his getting him out until the term of seven years, for which he was transported, had expired; that is what I said to him. I know nothing of, nor ever recommended, or heard him speak of applying to any one till after the election; then he said, he should speak to Mr. Turner and Sir Hussey Vivian.

148. Chairman.] That was after the election?—Yes; and he told me that he had done so, and that he was going to see Lord John Russell, at Endsleigh.

149. Mr. Fox Maule.] That he had gone to Endsleigh to see Lord John Russell; did that proceed from his own freewill, or do you suppose he did it upon the recommendation of any individual?—He said to me, and his wife told me, that they were going to Lord John Russell, to try what they could do about getting off John; that was the son; and I said, it is a hundred chances to one if you see Lord John Russell when you go there; perhaps he will not see you, or he may be engaged; however, they said they would go; they had a letter from Mr. Turner, I think he said, though I am not certain as to that.

150. Did you see him after his return from Endsleigh?—I did; and I asked him if he had seen Lord John Russell; he said, he had; and I asked him what prospect there was of his son being got out of the asylum; he said, “Very good;” that no doubt he would be out very soon; that Lord John Russell behaved very kind to him.

151. He did not state anything that passed between him and Lord John Russell further than that?—No, I do not recollect that he did; it was a general conversation between him and me, that he was well pleased with his journey;

*Mr. J. Whitefield.* that he was treated very well, and that he had no doubt that John would soon be home.

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152. *Sir R. Inglis.*] When you say that he had no doubt that his son would soon be at home, did he say that he himself had undertaken to receive his son at home, or to take charge of him?—He did not.

153. When did you last see Mr. William Thom?—I believe it was on last Thursday week.

154. On Thursday the 19th July?—I believe that was the last day I saw him.

155. In what state of health was he then?—He was in a very debilitated state.

156. What is his age?—Sixty-five or sixty-six; he told me so, because he was talking of raising an annuity for his life upon something, and that made him so perfect about his age, for he was asking me the expense of doing it, so as to raise a certain income.

157. Did he state to you, that he had received an order from The House of Commons to attend before this Committee?—He did.

158. *Chairman.*] It was on that day you saw him last?—No, I saw him on the day the order of The House of Commons came; it was on a Sunday that it reached St. Columb; I saw him that day, and he said he could not go, let the consequences be what they might; that he would get a certificate from a surgeon, which I believe he did.

The Chairman was directed to report the Evidence to The House.

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R E P O R T  
FROM THE  
SELECT COMMITTEE  
ON THE  
DISCHARGE OF  
JOHN NICHOLL THOM  
FROM THE LUNATIC ASYLUM;  
WITH THE  
MINUTES OF EVIDENCE.

*Ordered, by The House of Commons, to be Printed,*  
*31 July 1838.*

651.

# R E P O R T

FROM THE

SELECT COMMITTEE

ON THE LOSSES

OF

THE LATE SPEAKER AND OFFICERS OF THE HOUSE

BY FIRE

OF

THE HOUSES OF PARLIAMENT;

*WITH THE*

MINUTES OF EVIDENCE,

AND APPENDIX.

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*Ordered, by The House of Commons, to be Printed,*

*10 July 1837;*

*And to be Re-printed, 27 November 1837.*

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*Mercurii, 5<sup>o</sup> die Julii, 1837.*

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*Ordered, THAT a Select Committee be appointed to inquire into the facts of the case of the late Speaker, and Officers of the Houses of Parliament, who suffered by the Fire of the former Houses of Parliament; and to report on the same:*

And a Committee is appointed of—

<b>Mr. Aglionby.</b>	<b>Lord Stanley.</b>
<b>Mr. Pemberton.</b>	<b>Mr. Ord.</b>
<b>Sir John Wrottesley.</b>	<b>Mr. Estcourt.</b>
<b>Mr. Miles.</b>	<b>Mr. Lynch.</b>
<b>Mr. Denistoun.</b>	<b>Mr. Jephson.</b>
<b>Mr. Pendarves.</b>	<b>Mr. Forster.</b>

*Ordered, THAT the said Committee have power to send for Persons, Papers and Records.*

*Ordered, THAT Five be the Quorum of the said Committee.*

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## R E P O R T.

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THE SELECT COMMITTEE appointed to inquire into the Facts of the Case of the late SPEAKER, and OFFICERS of the HOUSES of PARLIAMENT, who suffered by the FIRE of the former HOUSES of PARLIAMENT, and to report on the same; and who were empowered to report the MINUTES of EVIDENCE taken before them to THE HOUSE:—

HAVE taken the following Evidence on the matters to them referred, which they have agreed to report to The House.

10 July 1837.

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## ATTENDANCE OF THE COMMITTEE.

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*Veneris, 7<sup>o</sup> die Julii, 1837.*

PRESENT:

SIR J. WROTTESLEY in the Chair.

Mr. Jephson.	Mr. Denistoun.
Mr. Ord.	Mr. Lynch.
Mr. Estcourt.	Mr. Pendarves.

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## MINUTES OF EVIDENCE.

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*Luna, 10<sup>o</sup> die Julii, 1837.*

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**MEMBERS PRESENT:**

Mr. Denistoun.  
Mr. Pendarves.  
Mr. Ord.

Mr. Estcourt.  
Mr. Jephson.  
Mr. Lynch.

**SIR JOHN WROTTESLEY, BART., IN THE CHAIR.**

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**Mr. Robert Collins, Examined.**

1. *Chairman.*] WHAT is your duty about the House of Commons?—I belong *Mr. Robert Collins.*  
to the Vote Office; my employment is to regulate the delivery of the votes, and  
it forms part of my business to attend to this in the vacation; the office to which  
I have the honour to belong is different from all others about the House, as it  
leaves a great deal of its duties to be performed in the vacation, and which for  
some years has devolved upon me. The day the fire took place, I was at  
business till five o'clock; the property I lost was in the Committee-room, No. 17;  
it became necessary to have the use of two rooms for the disposal of the business;  
I pay the petty disbursements of the Office, as well as all the porters for the  
delivery of the Votes and papers; the money was in a bag for the purpose of  
paying the porters attached to the Vote Office for the delivery; there was more  
than 10*l.* in hand; in fact, a little before there was 20*l.*; besides that, there were  
nine volumes of Hume's History of England, five volumes upon the Elements of  
Rigging, and many other things perhaps too numerous to be mentioned.

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2. The cash you had there for the purpose of paying the men?—Yes.

3. The cause of your being there was the performance of your duty to the  
House?—Yes; I had had the duty to perform for many years; I have belonged  
to the Vote Office for 31 years; I have sometimes had more than 20*l.* at a time  
there.

4. *Mr. Estcourt.*] Did you reside in the office?—I did not sleep there; but  
I attended there for the performance of my duty.

5. Who were the men you had to pay?—There were nine at that time; there  
are now ten, the Votes being required to be delivered at an earlier time; I dis-  
bursed the payment of them in the absence of Mr. Mitchell, and the petty cash  
account of the office for that purpose; I used to keep a bag of silver there;  
I should conceive there was about 12*l.* 10*s.* there, as nearly as possible.

**The Right honourable Lord Viscount Canterbury, Examined.**

6. *Chairman.*] YOUR Lordship experienced considerable losses by the fire  
which took place in October 1834, to the Houses of Parliament; will you have  
the goodness to state the amount of the losses?—To state them with any positive  
accuracy would be quite impossible; the nearest I can come to is by coupling  
the request that I made to the Treasury with the amount that I had for so many  
years before insured; I will first begin, therefore, with putting in a copy of my  
insurance; I do not know in what year it was that I commenced my insurance,  
but it was within a year or two of my becoming Speaker of The House of  
Commons, and I became Speaker of The House of Commons in June 1817,  
when I determined to insure; I first of all had all the different articles upon  
which I meant to insure appraised by the different tradesmen, according to their  
respective lines; that is, the furniture by an upholsterer, the books by a book-  
seller; the linen by a linen-draper, and my pictures and collection of prints by  
a printseller. Having got these estimates, I then had an interview with a gen-  
tleman

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leman from the Sun Fire-office ; his name I do not recollect ; I laid before him those estimates, and stated my anxiety to insure myself upon them, and asked him the course to be pursued ; his answer to me was, that the ordinary course pursued was upon the actual value to insure two-thirds, to make a deduction from the general estimate in that way, and to insure the two-thirds ; and at the time I so insured, the contents of my residence were very poor compared with what they were afterwards ; my furniture increased very much afterwards, especially in those articles which were articles of insurance ; in addition to which, I held a place of Lord Rivers for three years at Missley in Essex, and I had a good deal of furniture there for the use of my family. Upon giving that up, the whole of my furniture was brought to this residence, and deposited up stairs in what is called a lumber-room. The policy that I effected was for 9,000*l.* ; the policy was out at the Christmas of 1832 ; the reason why I discontinued it was, that early in the Session of 1832, I had so repeatedly upon me those attacks under which I had suffered before, which attacks were more frequent as well as more violent than they had been before, that I became actually frightened, and I determined at the close of that Session to take my leave of The House, with a view of going abroad with my family for my own health ; I communicated this intention on my part, before the Session was closed, to my Lord Grey, who was Minister at that time ; and I stated to his Lordship that it was not my intention to be a Member of The House of Commons again. Subsequent circumstances, over which I had no control, but which it is not necessary I should refer to now, carried me down to the University of Cambridge ; I was elected for the University of Cambridge, and immediately after my election I received a letter from the present Lord Spencer, then Lord Althorp, stating that he was desired by Lord Grey and the rest of his colleagues to express a strong wish, that, as I was returned to Parliament, I would consent to retake the Chair for that Session, in order that the House might have the benefit of my practical experience for 15 years preceding ; I wrote an answer to Lord Althorp, stating, that being a Member of The House of Commons, which I had not contemplated, I owed too much to The House of Commons, at any time, to think of shrinking from the discharge of any duties that they might wish to impose upon me so long as I continued a Member. When the Parliament met, in 1833, my insurance had expired, for it expired at Christmas 1832 ; I did not renew the insurance, believing that one Session of Parliament would be all that my Lord Grey and the Ministers wished of such assistance as I could afford, and still continuing under the same apprehensions of bodily ill health which had brought me to my previous determination in 1832 ; however, that Session passed over ; I had no communication from Lord Grey or Lord Althorp, and I commenced a second ; the second I went through, and at the termination of it, being extremely unwell, I, with my family, went down to Brighton to the sea-side, and I took all my establishment, excepting leaving the porter behind, and, I think, two housemaids ; whilst I was there, this fire took place ; I received the intimation by express, and I arrived in town at about 12 or 13 hours after it had commenced ; that is the whole statement I have to make with respect to the insurance, and reason for its being discontinued ; when I came here, I was extremely astonished, when I walked within the doors, at seeing the state of destruction so great and so complete, as I declare I could not have calculated upon or have conceived, if I had not actually witnessed it ; the fire was burning when I arrived here, and continued for some days afterwards, but was under control ; afterwards it became necessary to ascertain, as far as I could, what were the circumstances of the loss inflicted ; I could not find one single thing that existed that was not materially damaged, a great deal entirely consumed to such an extent, that the bed-rooms, bedding, and furniture of every description were all completely gone ; with respect to my private library, somewhat more than one-half of those which I had selected as being the books which I most particularly valued were destroyed, besides the book-case and every thing in the room. With respect to the other proportion of my private library, I observed that some of the books were burnt, that is, singed and mutilated, and their backs broken, and that all the rest, as I should conceive, were destroyed rather by the measures taken to put out the fire than the fire itself, for they were all thrown out into the garden, and were deluged with the dirty water from the fire-engines, covered with mud, and in some instances, where the sets were large, they were broken in by volumes being missing ; the only mode, therefore, in which I could calculate what was

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was really the extent of my loss, was, first of all, by seeing what it was I actually wanted for household purposes ; I had scarcely a bed existing in the house, and in order to make up beds, a month or five weeks afterwards, that could be usable, I was forced to have the head of one bed arranged so as to fit the foot of another bed, and to manage in that sort of way. I found all my household linen which was out was destroyed ; I found that, in respect to that which had been put into the chests, the family being out of town, though it was not burnt, the intensity of the heat was such, that, being doubled to be put into the chest, when taken out of the chest it tore off in squares, formed by the admeasurement of the chest, like blotting-paper ; such was the intensity of the heat upon the chests. I do not know that it is worth while to go into more minute particulars with respect to the actual articles that were lost ; but upon making the inquiry, first of all looking to see what it was necessary for me to replace for actual daily use, and also ascertaining from fragments what had been the destruction in many other instances, I found that the destruction, though I could not accurately assess it myself, could not by possibility be replaced by me under a sum of 6,000*l.* Upon that I determined to make my application for compensation to the amount of 5,000*l.*, being anxious, of course, that I should not be misled by any calculations of my own, and ask for more than the loss really would justify. The Committee will recollect, before the Parliament re-assembled, a change of Government took place, and the Parliament was dissolved ; and on the re-assembling of Parliament I made my application to the Treasury for an indemnification for my losses. I had no reason to know myself that that was very maturely taken into consideration by the Treasury. I made personal application. The answer given to my personal application was, that it could not at that time, at all events, be attended to, because there was a Minute of Treasury refusing all consideration of the losses sustained by Sir Robert Gordon on the burning down of his hotel at Constantinople ; that, therefore, it could not be done without a reference to Parliament, and that it was not convenient at that time to make that reference to The House of Commons. Shortly after that I went abroad, and whilst I was abroad I heard that this Minute of Treasury, with respect to Sir Robert Gordon's case, had been reconsidered, and that it had been rescinded ; that the loss had been admitted, and that the compensation had been given. When I came over early in February last, knowing that fact, I determined to bring the question under the consideration of the Treasury again. It had been Lord Grey's Board of Treasury, or Lord Melbourne's Board of Treasury, under which this Minute of Treasury was entered, Lord Althorp being, I know, Chancellor of the Exchequer ; and I determined, therefore, to the same Board of Treasury, or as near as well could be, to make the application for consideration, for I did not know it to be a reconsideration. That obstacle being removed, when I came over I discovered also, which I had not known before, and which I believe was known by nobody, that there was no party-wall to arrest the progress of this fire. I ascertained, as I thought, as conclusively as it was possible, that it was owing to there being no party-wall that the fire crept along, and that there were no means of arresting its progress. I felt the more strongly upon that point, because its entrance into the part of the house which I and my family inhabited was along a passage, or gallery as it is called, which ran along the back of Westminster-hall ; the wall of Westminster-hall precluded the entrance of the fire into Westminster-hall, and there being no such obstacle, it could not be arrested in coming to my house ; I therefore made my application upon those two grounds ; the one was, that the obstacle urged against taking into consideration in Sir Robert Gordon's case had been removed, and the other, that the persons employed by the Government had omitted to build a party-wall as directed by the Act of Parliament ; I made this application as early as the 15th of February ; I urged also, as another circumstance, that the residence which I occupied was, in fact, a part of the royal palace lent by the King to The House of Commons for the accommodation of their Speaker, but never alienated from the Crown ; and I stated, as my reasons for urging that, first, that it was the inviolable custom for the Speaker, in case of the dissolution of Parliament, at a private audience of the King, to ask His Majesty's permission to continue to inhabit that part of the palace of Westminster until the election of a new Speaker, and that, on account of the proprietorship, a communication, which clearly recognized it, took place ; namely, that on the coronation of George the Fourth I received a letter, being then Speaker, from Lord Blomfield, acquainting me that the King meant

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meant to occupy the residence which I was in possession of, the night before the coronation, as part of his royal palace of Westminster, and expressing at the same time his regret for any personal inconvenience that I might derive from it, or that might be derived by my family. I mention these circumstances as proving it was part of the palace of Westminster, and with a view also to bring it upon a parallel with cases that had arisen in other royal palaces ; for when the palace of St. James's was destroyed, all the inhabitants were indemnified for their losses to the utmost extent ; I stated that the same thing had occurred at Kensington Palace, and that therefore, if there were difficulties with respect to the fear of this forming an inconvenient precedent, there seemed to me to be circumstances sufficient to distinguish this from every other case, and sufficient to guarantee its being a principle ; that it was hardly possible that the Government, through their officers, should themselves have omitted the party-wall in a public official building in which a public officer was called to reside, and that subsequently a fire should originate from the misconduct of persons employed by that Government also ; and, thirdly, that that building in which the fire created so much destruction should also be a royal palace. I received an answer from Lord Melbourne on the same day, assuring me that the case should receive due consideration. From that time I heard nothing for a month. In the middle of March I wrote again, to beg that it might be taken into consideration, and then, through the different steps followed by Government from time to time, I was brought down to the present moment. I have stated this with a view to apprising the Committee that the delay did not originate with me, and that I am not responsible for it. As to offering to the Committee any opinion of my own, in the first place it would not be worth their having ; in the next place it would be unfit I should intrude it upon them. I have stated the facts, as far as I remember them, referable to this case, and I conclude my statement, but of course am ready to answer any questions any gentleman may have the kindness to put.

7. Mr. Jephson.] What was the date of the first application made by your Lordship ?—The first application I made was in the year 1835, the fire being in October 1834 ; the change of Government, I think, was in November or December 1834.

8. The second application after the decision of Sir Robert Gordon's case probably was in 1836 ?—I am not aware of the date of rescinding the Minute of the Treasury ; I made it immediately on my return from abroad.

9. Mr. Denistoun.] Your Lordship was understood to state that you looked upon the Speaker's house as a royal palace, and that in consequence of that it was not necessary to insure, because the public would pay for any loss ?—No, I did not state that. I said that that was not what governed me in not insuring ; but that what governed my non-insurance was having taken leave of The House in the summer of 1832, not meaning to return to The House of Commons, and my policy expiring at Christmas 1832 ; but when I was returned for the University of Cambridge, and in consequence of the application from Lord Grey and Lord Althorp, I was re-elected Speaker, I was under the expectation that, from the reasons they stated, my services would not be required more than that single Session, and the policy having expired, I did not renew it.

10. You were running the risk yourself in the mean time ?—Yes, provided they would have paid the policy if the loss had taken place. The policy I had effected was a policy on the ordinary common rate of insurance of 1 s. 6 d., and not upon the hazardous insurance, which hazardous insurance expressly mentions the want of party-walls.

11. Did the surveyor of the office in which your Lordship insured make a survey previous to taking the insurance ?—No ; I understand it is never the practice, that they hold the insured liable to the full exposition he has made in gaining the insurance, liable to the consequences if that exposition is not correct. I know in some of them they put that into the printed papers. It is here stated, that "if there be any omission or misrepresentation in describing the building or goods, or process of manufacture, whereby the same may be charged at a different rate of premium than otherwise would be, this office will not be responsible in case of any loss or damage ;" that is their announcement : then the common insurance is on "buildings covered with slates, tiles or metals, and built on all sides with brick or stone, or separated by party-walls of brick or stone." The hazardous insurance is upon "buildings of timber or plaster, or not wholly separated

separated by partition-walls of brick or stone ; the one being 2*s.* 6*d.* per cent., and the other 1*s.* 6*d.*

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12. So that it is the duty of the insurer to give correct information ?—Yes.

13. Mr. *Lynch.*] And if that information is not correct, they are not bound to pay the insurance ?—They say so expressly in their prospectus.

14. That throws the onus upon the insurer ?—Yes.

15. Mr. *Jephson.*] Was the fact of there being no party-wall, and that fact rendering it necessary you should pay a higher rate of insurance, the cause of your Lordship not renewing the insurance when it expired ?—No ; the fact was, I had a common insurance for 15 years, and the question of the party-wall would equally have vitiated that insurance ; the cause of my not having insured was my having taken leave of The House, and, from my state of health, meaning to go abroad, I let the insurance run out ; I was returned again to The House, and I have stated the sort of communication I had with Lord Grey and Lord Grey's Government, which brought me again into the Chair, but the circumstances stated by Lord Grey and his Government with a view to placing me in the Chair were circumstances which I believed would be completely satisfied in the course of one Session, for it was merely with a view of giving the benefit of my practical experience of 15 years to the re-modelled House.

16. The second ground your Lordship stated was, that the house was a royal palace ; what was the inference that you drew from that ?—The inference I drew from that was, that it stood upon the same footing with any other royal palace where a fire had taken place.

17. Following that up, what has been the result where fires have taken place in royal palaces ?—When the fire took place at St. James's Palace, there were a great number of occupants by grace and favour, as there are at other royal palaces, and they were, every one of them, indemnified for the whole loss they had sustained ; they had not insured ; the same thing happened with regard to Kensington Palace ; I merely stated that in addition ; the honourable Member wishes to know the principal view I had in stating that ;—it was not so much to strengthen my pretensions, as to relieve the Treasury from an apprehension that they might be laying down an inconvenient precedent.

18. Mr. *Estcourt.*] You say, when you commenced your insurance was a short time subsequent to your first election ?—Yes ; I do not recollect whether it was the first, or whether it was the second or the third year after that.

19. When you did commence the insurance, did you commence the insurance in consequence of receiving from any Government office a caution that you must be at the risk of any loss by fire that might be sustained ?—No, I never received a caution from any body. My reason for commencing my insurance was this : I was at the time a widower, and with very young children ; I had no house in the country, and this residence was my only permanent residence ; and as I accumulated what was of value to me in furniture and in books, and in other things which were insurable, leaving them all behind me, I wished for an indemnity in respect of that description of property I was master of ; that was the reason why I insured.

20. Mr. *Jephson.*] Are you aware of the ground on which the individuals who sustained a loss by the fire which occurred at St. James's Palace were paid ?—It is stated in the 2d page of the printed papers that the compensation was made, by The King's express command, out of the Civil List which existed at that time.

21. Mr. *Lynch.*] Does the observation contained in the letter, with respect to the payment of the sufferers, apply also to Kensington Palace ?—I do not know.

#### Mr. *John Richards*, Examined.

22. Chairman.] DID Lord Canterbury, the late Speaker of The House of Commons, insure at the Sun Fire-office ?—He did.

Mr. *J. Richards.*

23. You are secretary to the Sun Fire-office ?—I am.

24. Can you produce the policy ?—I have examined the books of the board, from which it appears that, on the 26th of July 1825, the Right honourable Charles Manners Sutton insured 8,000*l.* on his household goods, 600*l.* on his books and prints, and 400*l.* on china and glass, giving a total of 9,000*l.*, which policy expired at Michaelmas 1831. On the 23d of January 1832, instructions were given for a policy in the same name, and for exactly the same amount, and

## 6 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

Mr. J. Richards.

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making a total of 9,000 £.; and the contract commenced at that date, and expired at Christmas 1832.

25. Was that a new policy?—Yes; the first having expired at Michaelmas 1831, then a fresh policy was issued in January 1832, which continued one year.

26. It was never afterwards renewed?—No.

27. Supposing there to be no party-wall on one side of the house, should you have considered yourself liable to pay that policy?—The position in which we stand is simply this: we issue a policy with certain conditions, as the contract between the parties, and, amongst other conditions, we state in "Article 1. Any persons desirous of effecting insurances upon buildings or goods must furnish the office or its agents with a particular description thereof, and of the process of manufacture carried on therein; and if there be any omission or misrepresentation in describing the building or goods, or process of manufacture, whereby the same may be charged at a different rate or premium than they otherwise would be, this office will not be responsible in case of any loss or damage;" that is the contract between the office and the insurer.

28. Mr. Lynch.] If that contract be not performed, you do not consider yourselves liable?—If that contract be not fulfilled, the parties have no legal claim on the office.

29. Mr. Denistoun.] In such cases, do you never pay?—In such cases a statement of the facts is made to the court; it is for them to take it into consideration; and in most cases it is favourably received by the court of directors, provided it is proved to the court that the deviation was not known by the person who made the contract.

30. Mr. Jephson.] There is reference, in the 1st Article, to a particular description of the buildings or goods to be made by the party; of what nature was that?—It was a verbal description.

31. Was there no memorandum kept of that conversation?—No, certainly not; a gentleman comes, and is asked, "Of what is your house composed?" "It is so and so." "Who resides in it?" That is answered, and the policy is issued.

32. Chairman.] It appears in the paper you have produced, that the house was described as built of brick; that you would consider as a common insurance?—Yes.

33. Mr. Pendarves.] Do not you, generally, send a surveyor to inspect the buildings?—We do not in all cases.

34. Did you upon this occasion?—No, we did not; I cannot find that a surveyor was sent.

35. Mr. Lynch.] If there appeared, after the fire, to have been a deviation, the party would have no legal right?—Certainly not.

36. It is a matter of grace, then, to pay the money, and not a matter of right?—Decidedly; if a person deviates from his contract with us, then he comes before us at our mercy.

37. In those cases where you do extend your grace and favour, does the amount at all influence your decision?—Not at all; if we give any, we give liberally, whether 5,000 £. or 6,000 £., or a smaller sum; if it should be taken into favourable consideration, we look to the principle, and not to the amount.

38. Mr. Estcourt.] Is there any rule or regulation of the office by which every succeeding board of the office would be bound to make its decision as to the favourable reception, or otherwise, of such an application?—The course we adopt is this: the application comes to the secretary; the secretary reports all the facts to the committee of management; the committee of management ask the secretary whether it is in accordance with the conditions of the establishment; if the secretary reports that it is not, that there is a deviation, that goes before the whole general court of managers, consisting of 24; it is not taken into consideration by any committee; we have one general court per month, and they act accordingly; all presentments are laid before them, and any decisions on a similar fact; every claim is laid before them which the secretary has reported upon, and decided accordingly.

39. So that their decision is governed entirely by their opinion of what is grace and favour, and not by any prescribed rules of your office?—It could not be brought before a general court, unless it had deviated from the prescribed rules of the office.

40. If a person had a loss of that description, and found he had given in a wrong statement, would he have a right to come and say, "I have made a mistake, and

and call upon you, according to your rules and regulations, for compensation for my loss?"—No; no insurer can do that; it is a perfect act of grace.

41. Mr. Ord.] You are understood to say, the board of managers only receive their information from the secretary?—Yes.

42. Do you know enough of the facts to say whether you should consider this a deviation?—It would not be the province of the secretary to state that he would send it to the surveyor, and request to have his report thereon; and if it belonged to two surveyors, the secretary would get the opinion of each of them, so that it should go before the general court with the opinion of every man in the executive attached thereto.

43. Mr. Denistoun.] Have you many cases in which your rules are not strictly adhered to?—Yes, we have instances.

44. Are they of common occurrence?—No.

45. Mr. Jephson.] Are you aware of Mr. Bellamy, the housekeeper at The House of Commons, having insured at a fire-office, and having been paid?—No, I am not aware of that; he was not insured at the Sun Fire-office.

46. Are you sufficiently aware of the position of his house, and the position of the late Speaker's house, to state to the Committee the difference of principle which would be acted on in respect of losses sustained in each of those cases?—No, I do not know any thing of the locality; and, in the event of such a claim having come before me, I should have directed the proper officer of the establishment to make his report, and to ascertain whether it was in conformity with the regulations or not. I do not know the locality of any room in this establishment.

*Mr. Adam Lee, Examined.*

47. Chairman.] ARE you in the office of Woods and Forests?—I am.

*Mr. Adam Lee.*

48. In what situation?—As clerk of the works.

49. Have you examined the residence of the late Speaker, connected with The House of Commons?—Yes.

50. Was there a party-wall between that and The House of Commons?—No.

51. Have the goodness to refer to the terms of the Sun Fire Insurance Office contained on the valuation of the late Speaker's furniture, and the description of the building in which the same was contained?—[*The Witness read the same.*]

52. Do you conceive that a proper description, according to the terms of the Sun Fire-office?—I believe that it is the general description that is given by insurers of buildings.

53. Has the insured complied with the terms in his description of the building?—No, not by any means.

54. In what respect?—In respect of the party-walls, there being none whatever.

55. Mr. Jephson.] What sort of separation-wall was there between the late Speaker's house and The House of Commons?—There were six-inch wide partitions, brick noggen, bricked up between the timbers.

56. Where did the fire originate?—In The House of Lords.

57. In what portion of The House of Lords?—Under the Black Rod's box.

58. In what position was the brick noggen wall you have described?—The brick noggen wall was between The House of Commons and the Speaker's house; the fire made its course through The House of Commons; then there were free communications into the Speaker's house through the library, through the secretary's room, and the one from Solomon's Porch.

59. Be kind enough to refer, on the map before you, to the position of the rooms of the deputy-housekeeper of the House of Commons, Mr. Bellamy, in reference to a previous question whether the Speaker's house was insurable under the terms of the policy; do you think Mr. Bellamy's house was insurable under a similar policy?—Certainly not; there were open door-ways and passages.

60. You conceive Mr. Bellamy's house and the Speaker's house, so far as the policy laid before you binds the insurance-office, as standing on a similar footing?—Yes.

61. And that the same rates under the insurance would belong to the one as belonged to the other?—Yes.

*Mr. John Richards*, further Examined.

*Mr. J. Richards.*

10 July 1837.

62. *Mr. Jephson.*] A map of The House of Commons, and all the offices existing previous to the fire, is now before you. The position in which the fire originated, and its mode of communicating with the Speaker's house, have been pointed out by Mr. Lee; suppose the housekeeper of The House of Commons, inhabiting that portion of The House pointed out to you in the map, were to insure at your office in the same terms as the individual inhabiting this portion of The House called the Speaker's house insured at your office, in case of a fire destroying both these residences, can you conceive of any distinction between the two cases which would have led your office to give compensation on the one insurance, and to refuse it in the other?—The principal point is this: if a person comes to me, and states that he wishes to insure his house or furniture in a certain particular part of The House of Commons, and describes that part correctly, if the policy is underwritten; if it is properly described, he will be paid without doubt. The surveyor to the establishment must prove that the two are the same, before I can give an answer upon the subject.

*Mr. John Bellamy*, Examined.

*Mr. J. Bellamy.*

63. *Mr. Jephson.*] HAD you an official residence in the late House of Commons?—Yes.

64. Did you insure your property in any office?—I did, in the British Fire-office.

65. Can you produce your policy?—I cannot; it was burnt.

66. Can you state the terms of it?—It was the general terms; I had insured for several years there.

67. Was it commonly hazardous?—It was commonly hazardous.

68. Do you mean that it was at the common risk?—Yes.

69. *Chairman.*] Was it a building described as of brick or timber, or as having no party-wall, therefore doubly hazardous?—I am quite sure it was considered as a common insurance. It is a common insurance I have made for the house my daughters occupy in Woburn-square, and the house I now use as an official residence, and this was the same.

70. *Mr. Jephson.*] You lost a considerable property by the fire?—I did.

71. Did you apply to the office for indemnification?—I received the amount of my insurance.

72. Did they demur to paying you the amount, on account of any mistake in the description?—Not the least; I was rather urged to make out the account. I had a difficulty in doing it, on account of the policy being burnt; but I did it with the assistance of the secretary, and it was immediately paid.

73. *Chairman.*] Was there any objection made on the ground of there being no party-wall?—Not the least.

74. *Mr. Lynch.*] When you insured, did you describe it as a part of The House of Commons?—Most assuredly; the policy specified that it was in The House of Commons.

75. Then the office knew what they were insuring?—Yes.

76. *Mr. Jephson.*] Do you recollect whether they sent a surveyor, on your effecting the insurance?—I cannot recollect that; I must have been insured at that office 14 or 15 years.

77. There was a passage from the Speaker's house to The House of Commons?—Decidedly; there was a gallery that led through.

*Mr. Alexander Phillips*, Examined.

*Mr. A. Phillips.*

78. *Chairman.*] WERE you present at the fire at The House of Commons?—I was.

79. Was your attention called to the nature of the goods of the late Speaker?—Yes, and likewise the property of the public that was here as well.

80. What is your business?—That of a carpenter and builder.

81. Can you describe the manner in which the Speaker's furniture was injured at the time of the fire?—Yes; a great deal was burnt by the fire, and others were taken out and destroyed by their being thrown from one place to another, taking them into the lawn, which was swamping with water from the engines; there was

## ON LOSSES BY FIRE,—LATE HOUSES OF PARLIAMENT. 9

was a quantity that went from room to room of eight or ten rooms; there was nothing whatever got out, and there were three or four store-rooms completely filled with furniture of all descriptions, having not room to put them up, the house being very much crowded, with furniture sufficient, I should have thought, to complete two or three houses; and most of that furniture was destroyed.

Mr. A. Phillips.

10 July 1837.

Mr. William Chandler, Examined.

82. *Chairman.*] ARE you connected with the Sun Fire-office?—No, I did not belong to the Sun Fire-office; I belonged to the Palladium Fire-office, but not at the time of the fire in question, for our office had given up business some years. I belonged to the Guardian Fire-office before that.

83. You were not a fireman at the time of the fire?—No, not attached to any office, but I gave assistance. I was the first fireman that was here; living on the spot, I was passing at the time the accident took place.

84. You immediately rendered all the assistance in your power?—I did, by assisting the parish and Government engines, getting them to work as soon as I could.

85. Did you pay great attention to the state of the furniture in the Speaker's house?—I am aware that there was a great deal; in short, almost every thing in the building was removed that could be, and there was a good deal of destruction; every thing was damaged, more or less, by the soldiers, in the building, and they were removing and dragging the things about, but whose property it was I do not know; it was removed from this building into the lawn, between this and the Thames.

86. Was it household furniture, principally?—The greater part; there were many things thrown out of the windows, and destroyed.

87. Were they damaged by the fire or the dirty water?—A great many of those on the lawn were damaged by water.

88. Were many burnt in the house?—A great many things were burnt in different parts of the house.

Mr. W. Chandler.

Mr. William Kay, Examined.

89. *Chairman.*] WHAT is your situation in the House of Commons?—I am Mr. William Kay. library messenger in the House of Commons.

90. Were you present at the fire?—I was porter at the Speaker's house.

91. You were present at the fire?—I was.

92. Was a large proportion of the Speaker's household furniture destroyed?—A great deal was damaged and destroyed, and there were several rooms entirely consumed; a great deal of furniture in packages, which I had not charge of, kept in safe custody in what was called Guy Fawkes' cellar; that was entirely consumed.

93. There was a great deal of damage done to the furniture?—There was.

[*The following Letters were delivered in, and read.*]

Warfield Vicarage, Bracknell, Berks,  
Saturday, July 8, 1837.

Sir,  
UNDERSTANDING that a Committee of the House of Commons has been appointed for the purpose of considering the compensation to be made to the officers of The House for the losses they may have suffered by the late fire, I take the liberty of stating to you, presuming you to be a member of that Committee, or the public officer through whom my application ought properly to be made to the Committee, that I was, at the time of the fire, the chaplain of the House of Commons, and that my robes and other property, which were deposited in the room adjoining the lobby, assigned to me upon my appointment to that office, were consumed, and that I thereby incurred a loss of 20*l.* and upwards. The amount is certainly small in comparison of what other officers unfortunately suffered; but my claim for recompence standing on the same ground, it will not, I am sure, on that account, be less willingly conceded to me.

I have the honour to be, Sir,  
Your obedient humble Servant,  
*Temple Frere.*

The Right Hon. the Chancellor of the Exchequer.

10 MINUTES OF EVIDENCE BEFORE SELECT COMMITTEE

10 July 1837.

Sir,

Office of Woods, &c., 23 April 1835.

WITH reference to the claim forwarded by you to this Board, amounting to  $417 l. 0s. 6d.$  on account of your loss of furniture at the late fire at the Houses of Parliament, I have to inform you, that your statement has been submitted to the Lords of the Treasury. I have further to inform you, that their Lordships' determination is unfavourable to any such claim against the public; and I have to request that you will make known to the servants of the House of Commons a similar determination with respect to their claim, on account of the loss of their wearing apparel,  $136 l. 16s. 6d.$

I am, Sir,

Your most obedient Servant,

Mr. Bellamy.

(signed) *B. C. Stephenson.*

APPENDIX.

## APPENDIX.

## CORRESPONDENCE relative to the CLAIM of Lord Canterbury; laid before the Committee by the Treasury.

My Lord,

Clarendon Hotel, 15 February 1837.

I VENTURE, without apology or further explanation, to request your Lordship's consideration and that of the Lords of the Treasury to my claim for compensation for my severe losses at the fire at Westminster.

The grounds upon which my claim rests are, I persuade myself, irresistible.

The fire commenced in the flues of the House of Lords; the fire was produced by the misconduct of the servants employed by the Officers of the Government; the largest part of my private property was destroyed, and the whole of it materially injured, by the fire extending itself from the House of Lords. I was in no way, directly or indirectly, through my servants, responsible for the origin of the fire; nor were there any means of arresting its progress, there being no party walls, as directed by Act of Parliament. Had those party walls been built, not only my own property would have been secured, but the furniture belonging to the public in the State Rooms, as well as the premises themselves, might have been saved from destruction.

I was the only public servant who had no option of inhabiting or not inhabiting the official residence. I was forced to furnish all the apartments myself, with the exception of what were called the State Rooms; and many of these apartments furnished by myself being used as much for the public as for my own private accommodation, I do conclude that all my private furniture was under the same protection as that supplied by the Government; and, therefore, further precaution on my part was unnecessary.

One other circumstance I may be permitted to mention, because it distinguishes my case more strongly from the ordinary official occupation of public servants.

The residence I occupied as Speaker has ever been considered a part of the Royal Palace of Westminster, lent by The King to the House of Commons for the occupation of their Speaker, but never alienated from the Crown.

Many acts of proprietorship by the Crown might be quoted. I will only trouble your Lordship with two instances which at once occur to me.

The day of a dissolution of Parliament, the existing Speaker invariably, at a private audience, prayed The King's permission to reside in His Majesty's Royal Palace till the election of a new Speaker; this I did seven times myself. The other is, that at the coronation of his late Majesty George IV., I received an official intimation from his Majesty, informing me that his Majesty intended to occupy himself the Speaker's House, as part of his Royal Palace, the day before the ceremony of the coronation, expressing regret at the inconvenience to myself and my family. I therefore hope I am correct in considering myself as fully entitled to be indemnified for my losses by the fire at Westminster, as all those persons (occupants by royal permission only) were considered entitled to indemnity, who were sufferers by the fire that some years ago destroyed a considerable part of St. James's Palace, all of whom, I believe, were fully remunerated for their personal losses on that occasion.

Upon these grounds rests my claim for compensation. As to the amount of compensation, I will not trouble your Lordship further than to say, that I am anxious to give every facility to the examination of the extent of my loss, and to acquiesce in any adjudication of compensation that your Lordship and the Lords of the Treasury shall think reasonable and just.

I have the honour to be, my Lord,

The Viscount Melbourne,  
&c. &c. &c.

Your Lordship's faithful and obedient Servant,  
(signed) Canterbury.

Dear Lord MELBOURNE,

Clarendon Hotel, 13 March 1837.

As I have received no further answer to my letter to your Lordship of the 15th of last month than the assurance that it should be duly considered, I beg again to draw your Lordship's attention to it.

That letter, being written as an official letter, may possibly be considered defective in detail, from my wish to bring it into as narrow a compass as possible. I am most anxious, therefore, to be allowed to state more at large, if it be necessary, the grounds on which I found my claim; and as I shall be obliged to quit England to join my family abroad,

## APPENDIX TO REPORT FROM SELECT COMMITTEE

either Monday or Tuesday next, I earnestly request permission to wait upon you, or that your Lordship would refer me to the Chancellor of the Exchequer, or any other official person you would name, that I might be enabled to get a decision upon the principle, at least, before I leave London. With reference to the details, my personal presence would be less indispensable, as the arrangement of that part of the subject would be left by me willingly in the hands of your Lordship, relying with full confidence upon the decision being just and proper.

I have the honour to be,

The Right Hon. Viscount Melbourne,  
&c. &c. &c.

Dear Lord Melbourne,  
Your very faithful and obedient Servant,  
(signed) Canterbury.

My dear Lord,

South-street, March 14, 1837.

I SHALL be happy to see you at any time that may be convenient to you here, on Thursday next, before One o'clock, or on Friday in Downing-street after Two. I must, however, tell you that the opinion of the Treasury is, that there is no foundation whatever for your claim.

Yours faithfully,

The Viscount Canterbury.

(signed) Melbourne.

Dear Lord MELBOURNE,

Clarendon Hotel, 27 April 1837.

As I have heard nothing from you since you were kind enough to give me an interview, and to hear my case for compensation, the middle of last month, I hope you will not think me unreasonably importunate in this renewed application.

I am most anxious indeed to be enabled to rejoin my family in Paris, having prolonged my absence for many weeks beyond what I had intended on my arrival in London; and yet I cannot stir till this matter is arranged.

Now, as I have the fullest confidence in your Lordship's decision upon the principle of my claim, and equal confidence in your adjudication of its amount, (as I stated in my first letter of the 15th February), I venture again to beg your consideration of the subject.

As I know you will at once, my Lord, exonerate me from all imputation of indecently taking advantage of the open and friendly manner in which you received me and listened to my statement, I will not lengthen this by a renewal of apologies for this intrusion.

Believe me, my dear Lord,

Viscount Melbourne.

Your faithful and obedient Servant,  
(signed) Canterbury.

My dear Lord,

South-street, May 5, 1837.

I was hardly aware, although perhaps I ought to have been, that your Lordship was waiting in London until you received an answer to the application which you have made to the Treasury for compensation for losses sustained in the fire which consumed the two Houses of Parliament; your letter, however, admonishes me that this is the case. I am the more sorry for this delay, as I am unable to return to you a favourable answer.

I beg leave to enclose a copy of a Memorandum which has been drawn up upon the subject, and I remain,

Viscount Canterbury.

My dear Lord,

Yours faithfully,  
Melbourne.

"THE subject of Lord Canterbury's application has been again brought by Lord Melbourne under the consideration of the Chancellor of the Exchequer and of the Board of Treasury; but the claim for compensation cannot be admitted consistently with the principles by which the Treasury are governed in such matters, no such compensation being granted in the case of any public officer, whether occupying an official residence or not, and the only exception of which Lord Melbourne is aware being that of Sir Robert Gordon, in whose case the compensation was granted solely on the ground that, in consequence of the repeated recurrence of fires at Constantinople, no Insurance-office would insure his effects.

"The cases referred to by Lord Canterbury, of compensation granted to those persons whose property was destroyed by the fire at the Palace, do not appear to be at all in point, because, in the first place, the individuals were most (if not all) of them attendants upon the Royal Person, and next, the compensation was made by The King's express command out of his own civil list."

My

My dear Sir,

Clarendon Hotel, May 6, 1837.

MAY I be permitted to call upon you to-morrow (Sunday), at any hour you will name as most convenient, upon the subject of a copy of a Memorandum relative to my claims for the injury done to my property by the late fire, and which copy I received from Lord Melbourne yesterday afternoon.

The Right Hon. T. Spring Rice,  
&c. &c. &c.

Believe me, my dear Sir,

Yours faithfully and sincerely,  
(signed) Canterbury.

My dear Lord,

I SUBMITTED to Lord Melbourne and to the Government your Lordship's note, and accompanied it by those explanations which I had received in conversation from your Lordship. With every disposition to attend to your Lordship's wishes, I am sorry to say that it does not appear to be expedient, consistently with those general principles which are necessary to be maintained in reference to the public service, that a grant of 4,000*l.* should be proposed as a compensation for the losses which your Lordship sustained in the fire of the House of Commons.

If this claim were now entertained, not only would it be impossible to refuse similar applications from officers of the House of Commons who suffered on the same occasion, but an extension of the principle might be sought for on the part of other occupants of official houses abroad and at home, by which the risk or the expense of the insurance upon private property contained in those official houses would be transferred to the public.

On these grounds, whilst I personally and deeply regret that the decision which I have the honour of communicating is unfavourable to your Lordship's expectations, allow me to repeat to your Lordship the anxiety I have felt, had it not been for the inconvenient consequences to which I have adverted, to have acquiesced in the suggestion which you have made.

I have the honour to be, my dear Lord,  
Very truly and faithfully yours,

Viscount Canterbury.

T. Spring Rice.

**COMMISSIONERS OF WOODS' PROPOSITION for the Purchase of TAPESTRY CHAIRS, SCREENS  
and SOFAS from Lord Canterbury.**

My Lords,

Office of Woods, &c., 1st April 1835.

We have to report to your Lordships, that Lord Viscount Canterbury has offered for sale to the public eight tapestry chairs, two tapestry screens and two tapestry sofas, which were in his possession in a room of the official house occupied by him whilst Speaker of the House of Commons.

It is necessary to inform your Lordships, that at the coronation of his late Majesty George the Fourth, the King slept in this room, and in consequence thereof the then Deputy Lord Great Chamberlain, Lord Gwydyr, laid claim to all the moveable furniture of this room; and his claim being allowed by the Board of Claims, he took possession of these tapestry chairs, &c., and sold them back to Lord Canterbury, then the Speaker of the House of Commons. Lord Canterbury, in offering these chairs, &c., for sale to the public, has accompanied the offer with the valuation of two persons of respectability, viz. Mr. Webb and Mr. Swabey, who both agree in considering the chairs, the two sofas and the two screens, together worth 500 guineas. We thought it proper, however, before we submitted this offer on the part of Lord Canterbury to your Lordships, to have a valuation made by a competent person not employed by Lord Canterbury; and we therefore commissioned Mr. Dowbiggen of Mount-street to give us an estimate of their value. He has reported to us that 480*l.* is, in his opinion, their proper value.

In submitting this offer on the part of Lord Canterbury to your Lordships' consideration, we must further observe, that the walls of the room in which these chairs, &c. are placed, are also covered with tapestry of a similar character which belongs to the Crown; and we are of opinion, if it is the intention of again fitting up a room in the future official residence of the Speaker of the House of Commons with the tapestry now on the walls, that we should be empowered to purchase the chairs, screens and sofas offered to us by Lord Canterbury; but we cannot forbear remarking, that in addition to the price to be paid forthwith to Lord Canterbury for them, there must be added the interest of the money for the long period which must necessarily elapse before these or any other articles of furniture can be brought into use for the future official residence of the Speaker of the House of Commons.

As Lord Canterbury presses for an immediate answer, we beg to request that your Lordships will communicate to us your decision with as little delay as possible; and if your Lordships should decide on the purchase of these chairs, &c. that you would give us the requisite authority for purchasing and paying for them at the lowest price that we can agree upon with Lord Canterbury. We transmit enclosed, for your Lordships' information, Lord Canterbury's letter upon this subject, together with the valuations which have been made of the above-mentioned articles of furniture.

We are, My Lords,  
Your Lordships' very humble Servants,

The Right hon. the Lords Commissioners  
of His Majesty's Treasury.

G. C. H. Somerset.  
B. C. Stephenson.  
A. Milne.

## APPENDIX TO REPORT FROM SELECT COMMITTEE

My dear Lord Granville,

Palace Yard, 1st April 1835.

THE eight tapestry chairs, the two sofas and the two screens, which I offer for sale to the Government at the prices which Mr. Swabey and Mr. Webb think them fairly worth, belonged to this House up to the period of the coronation of George the Fourth. The night before the coronation, the late King slept in the Tapestry Room. After the coronation, the Great Chamberlain laid claim to all the furniture which was in that room on that night. Lord Gwydyr brought his claim before the Board of Claims, instituted, as your Lordship may recollect, for the adjudication of all coronation claims. The Board decided in favour of Lord Gwydyr; Lord Gwydyr took possession of all the furniture in pursuance of this decision, and then offered the whole to me on purchase, having effected his object in substantiating his official claim. I have the Lord Great Chamberlain's receipt for my purchase of the furniture, signed by the Great Chamberlain's secretary.

This is the history of these articles coming into my possession.

Ever, my dear Lord,

Your most faithful and sincere

The Right hon. Lord Granville Somerset,  
&c. &c. &c.

Canterbury.

My Lord,

Old Bond-street, March 10, 1835..

In answer to your application as to what I consider the fair valuation of the eight gilt state chairs, two sofas and two screens covered in the old Gobelin tapestry, I beg to inform your Lordship, that I consider (having so thoroughly repaired, re-gilt and re-stuffed them, and cleaned the tapestry all in the best manner) that 500 guineas is a very moderate and fair valuation for such rare and costly furniture.

I have the honour to be, &c. &c.

The Right hon. Viscount Canterbury.

(signed) John Webb.

My Lord,

Wardour-street, March 21, 1835.

I HAVE minutely inspected your eight gilt state chairs, two sofas and two screens covered in tapestry, and beg to inform your Lordship that I consider the value of them to be, at the lowest, 500 guineas.

I have the honour to be, &c. &c. &c.

The Right hon. Viscount Canterbury.

(signed) J. Swabey.

AT THE SPEAKER'S HOUSE.

EIGHT very rich carved and gilt Chairs, covered in tapestry, and in good condition.

Two very rich Sofas *en suite*.

Two rich Screens.

Are valued by me at the sum of 480*l.*

(signed) Thomas Dowbiggen.

Mount-street, 31 March 1835.

*N. B.*—The screens to be put in the same condition as the chairs and sofas for the above sum.

T. D.

COPY TREASURY MINUTE, dated 7 April 1835.

READ Report of the Commissioners of Woods, &c., dated 1st instant, on an offer from Lord Canterbury to dispose of some valuable tapestry furniture in his possession, in a room of the official residence of the Speakers; wherein they state that they have caused a valuation to be made of this furniture, and await the decision of this Board upon the subject.

My Lords, taking into their consideration the peculiar circumstances under which these articles of furniture, which they understand from the Report of the Commissioners originally belonged to the Crown, were purchased by Lord Canterbury from the Deputy Lord High Chamberlain, are of opinion that they may with propriety be re-purchased from him at the lowest price that they can agree upon with Lord Canterbury, for the use of the future official residence of the Speaker of the House of Commons; but, upon granting their authority for the purchase, they desire, with reference to the paragraph in their letter in which they advert to the length of time which must elapse before these or any other articles of furniture could be brought into use for the future official residence of the Speaker, to be informed where they would propose that these articles should in the meantime be placed for safe custody, and preserved from injury from moths or otherwise.

Write to the Commissioners of Woods accordingly.

My

ON LOSSES BY FIRE,—LATE HOUSES OF PARLIAMENT.

15

My Lords,

Office of Woods, &c., April 1835.

WITH reference to Sir George Clerk's letter of the 11th instant, conveying your Lordships' opinion in favour of re-purchasing the tapestry, chairs, screens and sofas from Lord Canterbury, for the use of the future official residence of the Speaker of the House of Commons, we beg leave to represent that Lord Canterbury has agreed to take Mr. Dowbiggen's valuation of the chairs, &c., amounting to 480*l.*, that being the lowest of the three valuations made of this property, with the condition that the two screens should be put in the same condition as the chairs, &c., at his Lordship's expense; and with regard to your Lordships' inquiry as to where we should propose to place these articles for safe custody until they could be brought into use for the official residence of the Speaker, we beg leave to recommend that they should remain upon the premises of the Speaker's late official residence until those premises shall be pulled down for the purpose of commencing the building of the new Houses of Parliament, when they can be removed into some proper place of safety belonging to this department.

We are, My Lords,

Your Lordships' very humble Servants,

The Right hon. the Lords Commissioners  
of His Majesty's Treasury.

*Granville C. H. Somerset.*  
*B. C. Stephenson.*

COPY of TREASURY MINUTE, dated 5 May 1835.

READ Report from the Commissioners of Woods, &c., dated April 1835, on the subject of re-purchasing the tapestry, chairs, screens and sofas from Lord Canterbury, for the use of the future official residence of the Speaker of the House of Commons; wherein they state that Lord Canterbury has agreed to take Mr. Dowbiggen's valuation of the chairs, &c., amounting to 480*l.*, that being the lowest of the three valuations made of this property, with the condition that the two screens shall be put in the same condition as the chairs, &c., at his Lordship's expense; and with regard to My Lords' inquiry as to where they should propose to place these articles for safe custody until they could be brought into use for the official residence of the Speaker, they recommend that they should remain upon the premises of the Speaker's late residence, until these premises shall be pulled down for the purpose of commencing the building of the new Houses of Parliament, when they can be removed to some proper place belonging to their department.

Acquaint the Commissioners of Woods, &c., that before My Lords consent to the purchase of the furniture, or to the payment of the price which the Commissioners suggest, they are of opinion that the Commissioners of Woods, &c. should have before them my Lord Gwydyr's receipt, referred to in the letter of Lord Canterbury, and that their Lordships should be informed of the amount of the sum therein specified as the price paid for the furniture.

My Lords,

Office of Woods, &c., 27 June 1835.

IN obedience to your Lordships' instructions communicated to us by Mr. Stanley's letter of the 11th May, upon the subject of the re-purchase of the tapestry furniture from Lord Canterbury for the use of the Speaker of the House of Commons, we applied to his Lordship for the document required by the above-mentioned letter; and we beg leave to transmit, for your Lordships' information, the copy of Lord Canterbury's reply to our communication upon this subject.

We are, My Lords,  
Your Lordships' very humble Servants,

The Right honourable  
The Lords Commissioners of His Majesty's Treasury.

(signed) *B. C. Stephenson.*  
*A. Milne.*

Sir,

London, 22 June 1835.

I HAVE had the honour to receive your letter of the 18th instant, enclosing copy of one from the Treasury of the 11th of May. I beg to state, for the information of their Lordships, that my offer of the tapestry, sofas, chairs and screens to the Government, was to give the Government a preference, should it be thought advisable to re-purchase them.

As to my title to this furniture as private property, (which seems to be in doubt by the Treasury letter), I beg to refer their Lordships to the books of the Court of Claims, where Lord Gwydyr's claim to the whole of the furniture in the room in which his late Majesty slept the night before the coronation will be found allowed.

As to the articles comprised in this claim, the list is either in the office of the Woods and Forests, or in the Lord Chamberlain's office. As to the transfer to me by Lord Gwydyr of these articles amongst others to which his Lordship became entitled after the coronation, I have the paper signed by Mr. Fellows as the Great Chamberlain's secretary, and I have no doubt an entry of it will be found amongst the Great Chamberlain's Coronation Papers.

As to the value of these articles of furniture, their Lordships have the valuation of two individuals employed by me, Messrs. Swabey and Webb, who valued them separately; and

also a subsequent valuation of Mr. Dowbiggen, selected and employed by the Commissioners of the Office of Woods, &c.; and lastly, I had the honour to communicate to the Office of Woods, &c., my readiness to accept Mr. Dowbiggen's valuation, which, was the lowest of the three.

I have now only to request their Lordships' final answer to my offer.

I have the honour to be, Sir,

Your most faithful and obedient Servant,

Major-General Sir B. C. Stephenson.

(signed) *Canterbury.*

COPY OF TREASURY MINUTE, dated 4th August 1835.

READ letter from the Commissioners of Woods, dated 27th June last, transmitting copy of the Lord Canterbury's answer to application for production of Lord Gwydyr's receipt for the tapestry furniture for the use of the Speaker of the House of Commons.

Write to the Commissioners of Woods, &c., that it appears to My Lords that no purchase should be made of any furniture or fittings for the official residence of the Speaker until it is decided hereafter in what manner that official residence shall be furnished and fitted up, since the property of such purchase must depend entirely upon what may be hereafter decided upon in this respect, and their Lordships are therefore of opinion that it would not be expedient to purchase the tapestry in question.

My Lords,

Office of Woods, &c., 13th August 1835.

We beg leave to state to your Lordships, that on the receipt of Mr. Stanley's letter of the 8th instant, expressing your Lordships' opinion relating to the purchase of Lord Canterbury's tapestry furniture for the use of the Speaker of the House of Commons, we communicated the same to his Lordship; and we have now to transmit, for the information of your Lordships copy of Lord Canterbury's reply.

We are, My Lords,

Your Lordships' very humble Servants,

The Right honourable  
The Lords Commissioners of His Majesty's Treasury.

*Duncannon.*

*A. Mibe.*

Sir,

Palace Yard, 13th August 1835.

I BEG to acknowledge the receipt of your letter of yesterday's date, enclosing a copy of a letter from the Treasury Chambers of the 8th instant.

I had conceived that months ago the purchase of these sofas, chairs and screens had been decided upon by the Government, subject only to the price to be given for them.

As to their value, I had the honour of transmitting to your Office two separate valuations by two persons unconnected with each other, and made without communication with each other.

I subsequently received a letter of the 27th March last, stating the necessity of some person on the part of the Crown being appointed to make a third valuation. This was done; the result was communicated to me, and I at once agreed to take the amount of Mr. Dowbiggen's valuation.

I heard no more upon the subject until, by a letter of the 11th May, I learnt that the Lords Commissioners of the Treasury required some further information as to my title to this furniture as private property.

This requisition from the Treasury I had the honour to receive from you on the 20th June. My answer of the 22d June, I may presume, was satisfactory on that point, as no further reference has been made to it.

For these reasons, I had conceived that the whole arrangement was concluded; and in further confirmation of this impression I will add, that, in consequence of a suggestion to that effect, these pieces of furniture were for a time to remain unused in this house, as being more convenient to the Office of Woods than the removing them elsewhere into store.

Under all these circumstances, which I have detailed fully, I hope, though shortly, I must be permitted to remonstrate in the strongest manner against this last decision, in direct contradiction to what had been previously and deliberately concluded.

I request that this letter may be laid before their Lordships with as little delay as possible.

I have the honour to be, Sir,

Your faithful, most obedient Servant,

Major-General Sir B. C. Stephenson,  
&c. &c. &c.

(signed) *Canterbury.*

COPY

## COPY TREASURY MINUTE, dated 28th August 1835.

READ letter from the Commissioners Woods, &c., dated 13th instant, transmitting copy of Lord Canterbury's letter, in answer to the communication made to him that Government declined the purchase of his tapestry furniture.

Acquaint the Commissioners Woods, &c., that My Lords will regret if Lord Canterbury shall have suffered any inconvenience on this subject; but that My Lords do not think they would be justified in departing from the determination already communicated to them on this subject.

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**CASE of John Henry Ley, Esq., Clerk of the House of Commons, in respect to the Destruction of his Official House by Fire.**

THE house in Cotton Garden which I occupied was built in the year 1760, as an official residence for the Clerk of the House of Commons. When I was appointed to that office, I took possession of it, and continued in it until it was totally destroyed by fire. At the time of the coronation of King George the Fourth, I applied to the Sun Insurance Office to insure the furniture, but that office declined the risk in consequence of the additional danger caused by the preparations for that ceremony. I did not afterwards apply to any office to insure the furniture, considering that if any accident of fire should take place in the adjoining buildings, that it would be easy to save a considerable part of it in the garden. Such turned out to be the case, and a large proportion of the moveable furniture was removed before the fire attacked the building. If I had been insured in respect of the furniture, I therefore should not have had any considerable claim on the Insurance-office, as they would only have paid for the things injured by the fire. I therefore do not consider it at all necessary to enter into the question whether I ought to have insured against such a risk.

The ground upon which I rest my claim for compensation is the following:

In the year 1826 a plan was proposed for building a library and committee-rooms upon the site of my house; at that time I was given to understand that another house would be provided for me, and that I should be remunerated in the most ample manner for all expenses attending the change. In the following year the plan was changed, and the library was built between my house and the Painted Chamber.

I certainly resisted the proposal made in 1826, being of opinion that it was indispensably necessary that the Clerk of the House of Commons should reside at his office; that the proposed plan would sacrifice the convenience of the official establishment, and render them less effective for transacting the business of the House, without giving any adequate advantage to the Members of the House.

It became evident, however, afterwards, that the old House of Commons was too small, and that it would be absolutely necessary to take my house, and I was ready to give it up whenever I might be called upon so to do.

I consider that I ought to be placed in precisely the same situation as that in which I should have been placed, in case I had been required to remove from the house in consequence of its being wanted for the accommodation of the House of Commons, and that I ought not to suffer in consequence of my house having been set on fire in the manner in which that occurrence took place, and that those whose servants produced that event should not profit thereby. Since the burning of my house I have received 500*l.* a year to provide myself with a house, with which I have rented one ready furnished, paying, however, a larger rent than the sum allowed.

The party to whom this house belongs is very desirous of selling it, so that I probably shall not be able to rent it after next Christmas, and I must either purchase it or procure another house.

If I had been required to remove in consequence of the official house being wanted for the use of the House of Commons, and I had taken an unfurnished house, the expense of furnishing such house, partly by new furniture and partly by the furniture saved, has been estimated to me at from 1,200*l.* to 1,500*l.*

Taking into consideration the trouble and expense I was personally put to in consequence of the fire, and the money paid for saving and repairing the furniture saved, I submit that the sum of 1,500*l.* is not more than sufficient to make an adequate compensation for the same, and to enable me, together with the furniture saved, to furnish another house, and place myself on the same footing as that on which I stood before my official house was destroyed.

This sum of money may be provided, without any additional charge upon the public, out of a fund upon which I officially have a claim.

The fees belonging to the office of the Clerk of the House of Commons have amounted in the two last Sessions to much more than the usual sum; the surplus has been applied to payments for services before paid for by the public. I submit that there cannot be a more legitimate application of part of the surplus which will remain, beyond what may be required for the services voted by the House of Commons, for the offices of the House of Commons, according to the estimate, than the payment to me of the sum before mentioned, to assist me in furnishing a house,—thus doing nothing more than what would have been done in the Session of Parliament next after the fire, when my house would almost to a certainty have been required for the use of the House of Commons.

I have always contended, and still do contend, that for the purpose of enabling the Clerk of the House properly to execute the duties of his office, he ought to have an official house connected with his office; the Committee, however, who settled the plan for the new Houses, thought otherwise, and no provision of that kind is made in the plan.

It is by no means easy to find a house in the neighbourhood of the House of Commons, and it would not be desirable that the Clerk should reside at any distance from it. I have suggested to the Treasury the expediency of purchasing the house I occupy as an official house, and thereby saving the rent allowed; but whether they purchase that house, or whether I am obliged to find another house, I humbly submit to the consideration of the House of Commons that I shall be hardly dealt with, unless I have some assistance to enable me to reinstate myself in a residence.

House of Commons, 8 July 1837.

MR. DORINGTON has the honour to make application for compensation on account of a loss sustained by the fire at the House of Commons.

Mr. Dorington and the late Mr. Bull (Clerk of the Journals) were the executors of Mr. Gunnell (Clerk of Ingrossments), and conceiving the Journal Office of the House was perfectly secure from danger by fire, their executorship accounts and a Mexican bond were kept there, and consequently consumed.

The bond was held by them until the youngest daughter of Mr. Gunnell should come of age, and Mr. Dorington trusts the Committee will be pleased favourably to consider his application on behalf of the orphan daughter of an old and most meritorious officer of the House, who is left in rather straitened circumstances. The value of the bond was at that time 30*l.* 15*s.*

Sir,

Ingrossing Office, House of Commons, 7 July 1837.

I beg respectfully to bring under the consideration of the Committee the loss I sustained at the fire of the Houses of Parliament.

Conceiving my office to be a place of security, I had there deposited a Mexican bond, the value of which I have every reason to believe was at that period 30*l.* 15*s.* Under such circumstances, I humbly submit my claim for compensation.

I am, Sir,  
Your obedient, humble Servant,  
*George Gunnell.*

THE CLAIM of Messrs. Jones & Walmisley on account of Losses sustained by them at the Fire which consumed the Two Houses of Parliament, October 1834.

A great variety of different Acts of Parliament passed in the Sessions from 1816 to 1834 inclusive, put by as precedents for the use of Members of Parliament and others who might apply for the same, and for facilitating their business as Parliamentary Agents - - - - - £. 50 - -

7 July 1837.

*Jones & Walmisley.*

THE CLAIM of Richard Jones, late Assistant Clerk of Elections, on account of Losses sustained by him in the Fire which consumed the Two Houses of Parliament in October 1834.

One set of Private Acts of Parliament, with manuscript indexes and references to special clauses, from the year 1767 to the year 1834 inclusive, containing 200 volumes usefully bound, and invaluable to the owner in his business as Parliamentary Agent	£. s. d.
	210 - -
Other books, such as a selection of Special Acts of Parliament, Treatises on various subjects connected with Parliamentary Proceedings, and divers Reports of the Two Houses of Parliament on a variety of subjects, bound at a great expense, &c.	50 - -
	£. 260 - -

7 July 1837.

*R. Jones.*

N.B. It is believed there is now but one set of Private Acts in existence, the property of Mr. Bramwell of the Temple, who, on being asked to sell the same, asked 1,000*l.* or guineas.

THE

THE CLAIM of *John Angus Walmisley*, late Extra Clerk in the Election Office, on account of Losses sustained by him at the Fire which consumed the Two Houses of Parliament, October 1834.

	£. s. d.
A collection of Reports for the last 20 years on various subjects	20 - -
A complete Index to Acts on various matters, made by himself from time to time (the last eighteen years), with references to various clauses, petitions, reports, &c., as precedents	20 - -
Also books, Digest of Returns on Education of the Poor; Population; General Turnpike Acts, bound; several books on Parliamentary Practice and on Election matters, and various others, bound	15 15 -
A lease of his house (kept at the house for security), for which he paid (solicitor's charges)	15 10 10
A valuable cornelian seal, set in gold, with family crest	5 5 -
Another cornelian seal, set in gold, his own crest	5 5 -
	<hr/>
	£. 81 15 10

7 July 1837.

*J. A. Walmisley.*

House of Commons, Committee Clerk's Office,  
Sir,  
7 July 1837.

I BEG leave to lay before you my claim to compensation for losses sustained at the fire of the Houses of Parliament.

I had deposited (for safety) in my official desk and drawers various property, in books, desks, jewelry, &c., to the value, in the whole, of about 35*l.*

I beg you will favour me by laying my claim to compensation (as an officer of your House) before the Committee, and trust you will extend to my claim that consideration which I hope you will think it deserves.

I have the honour to be, Sir,  
Your obedient Servant,

*C. W. Pole.*

Gentlemen,

42, Parliament-street, 25 Nov. 1834.

I VERY respectfully take leave to address you on the subject of the late fire at the House of Commons, whereby I am sorry to say I lost a considerable property, amounting, by inventory made out by the Assessor and Appraiser to the British Fire-office, to the sum of 1,842*l.* 12*s.* 6*d.*

I was insured in the above office in the sum of 1,500*l.* I have received in payment 1,425*l.* 12*s.*, leaving me a loser of 417*l.* 0*s.* 6*d.*, as the statement below will show:—

	Value of Goods lost.	Insured for.	Actual Loss.
Household goods, consisting of furniture, linen, wearing apparel, plate, books, &c.	1,420 11 6	1,150 - -	270 11 6
Watches and trinkets	25 12 -	25 12 -	
China and glass	219 9 -	200 - -	19 9 -
Pictures and prints	69 17 -	50 - -	19 17 -
Wearing apparel, &c., belonging to my sons	107 3 -	- - -	107 3 -
	<hr/>		
	£. 1,842 12 6	1,425 12 -	417 - 6

I respectfully, therefore, submit to you, that under the peculiar circumstances in which my official situation as resident Housekeeper, &c. to the House of Commons has placed me, I humbly conceive myself entitled to the favourable consideration of the Commissioners on this unfortunate occasion. And I beg further to add, that the exertions of my sons at the fire, in my absence, in saving some valuable books and papers, I learn was most exemplary, and went to the entire abandonment of their own property.

I am, Gentlemen,  
Your obedient humble Servant,

To the Commissioners of  
His Majesty's Woods, Works, &c.

(signed) *S. Bellamy,*  
Deputy Housekeeper.

## APPENDIX TO REPORT ON LOSSES BY FIRE, &amp;c.

To the Members of the COMMITTEE appointed to consider the case of the Officers of the Houses of Parliament who suffered by the Fire, The humble MEMORIAL of Miss Jane Wright, Deputy Housekeeper of the House of Lords.

By the destruction of the Houses of Parliament in 1834, your Memorialist lost property to the amount of 400*l.*, all she possessed. Others suffered at the time, but to no one has the visitation been so severe or lasting as to your Petitioner.

Entirely dependent on the fees received for showing the House, her income totally ceased at the moment it was most needed.

Under these circumstances, your Memorialist humbly implores your merciful consideration of her case, and that you will be pleased to grant her such remuneration as in your wisdom and kindness you may deem meet.

I am, Gentlemen,

Your obedient humble Servant,

House of Lords,  
5 July 1837.

*Jane Wright,*  
Deputy Housekeeper.

Sir,

Vote Office, House of Commons.

I most respectfully beg to state that my loss by the fire of both Houses of Parliament was, cash 10*l.*; books, and sundry other things, amounting to about 10*l.* more.

Sir,

I have the honour to be

Your very obedient Servant,

*Robert Collins, sen.*

The Chairman of Committee, Losses by Fire,  
late Houses of Parliament.

## Lost in the late Fire of the Two Houses of Parliament, 16 October 1834.

One dress hat	-	-	-	-	-	-	£.-	10	6
One pair ditto shoes	-	-	-	-	-	-	-	10	-
One pair ditto buckles	-	-	-	-	-	-	-	12	-
<hr/>									
							£.1	12	6

To the Chairman.

*William Bevan,*

7 July 1837.

Messenger.



R E P O R T  
FROM THE  
SELECT COMMITTEE  
ON THE LOSSES  
OF  
THE LATE SPEAKER AND OFFICERS OF THE HOUSE,  
BY FIRE  
OF  
THE HOUSES OF PARLIAMENT;  
WITH THE  
MINUTES OF EVIDENCE  
AND APPENDIX.

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*Ordered, by The House of Commons, to be Printed,  
10 July 1837;  
And to be Re-printed, 27 November 1837.*

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493.  
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8.

# R E P O R T

FROM

SELECT COMMITTEE

ON

P R I V A T E   B U S I N E S S ;

*WITH THE*

MINUTES   OF   EVIDENCE,

AND APPENDIX.

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*Ordered, by The House of Commons, to be Printed,  
4 August 1838.*

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[*Price 10d.*]

*Martis, 1<sup>o</sup> die Maii, 1838.*

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**Ordered,** THAT a Select Committee be appointed to consider whether any and what improvement can be adopted in the mode of conducting Private Business.

*Jovis, 3<sup>o</sup> die Maii, 1838.*

And a Committee is nominated of —

Mr. Poulett Thomson.	Mr. Aglionby.
Sir Robert Peel.	Mr. Williams Wynn.
Mr. Shaw Lefevre.	Lord Viscount Ebrington.
Lord Stanley.	Sir James Graham.
Mr. Hume.	Mr. Edward Ellice.
Lord Granville Somerset.	Mr. Freshfield.
Mr. Loch.	Colonel Davies.
Mr. Greene.	

**Ordered,** THAT the Committee have power to send for Persons, Papers and Records.

**Ordered,** THAT Five be the Quorum of the Committee.

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*Sabbati, 4<sup>o</sup> die Augusti, 1838.*

**Ordered,** THAT the Committee have power to report their Observations, together with the Minutes of the Evidence taken before them, to The House.

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## R E P O R T.

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THE SELECT COMMITTEE appointed to consider whether any and what Improvement can be adopted in the Mode of conducting PRIVATE BUSINESS; and who were empowered to report their Observations thereupon to The House, together with the MINUTES OF THE EVIDENCE taken before them:—HAVE agreed to the following REPORT:—

YOUR COMMITTEE, in considering the subject committed to them, thought it advisable to ascertain from competent persons their opinion as to the effect of the changes which have of late been introduced into the conduct of Private Business, as well as to inquire into the defects which may still exist, and to obtain suggestions for its improvement.

They refer to the Evidence given upon all these points, which they recommend to the attentive consideration of The House.

With respect to the alterations adopted in 1836 in the proceedings on Private Bills before the Second Reading, they have great pleasure in stating, that it appears from all the evidence adduced, confirmed by the opinion of Members of Your Committee who are themselves acquainted with this branch of business, that these changes have operated beneficially, and that up to this stage of the proceedings no complaint is made and no alteration is to be suggested.

The system of Breviates of Private Bills adopted at the beginning of the Session appears also to have worked extremely well, and to have given satisfaction; and Your Committee bear testimony to the able manner in which the gentleman selected by The Speaker for this business has discharged the duties confided to him.

Your Committee are therefore of opinion, that the arrangement made for the preparation of Breviates should be continued during the next Session, and also that the Officer appointed to prepare them should be instructed, in his examination of the Bills, to remark specifically in each Breviate upon any provisions which may affect the public interest, in order that the attention of the Government and of The House may be pointedly called to any such provision.

Your Committee are unwilling at present to pronounce an opinion upon the policy of making the arrangement for the preparation of the Breviates permanent; because it appears to them desirable to have the advantage of some additional experience before a final decision be formed, and because they think it well worthy of consideration whether there might not be some general principles established, in respect to the phraseology and enactments of Private Bills, (according to the several subjects which they may embrace) which would, among

## REPORT FROM SELECT COMMITTEE

other benefits, tend greatly to reduce the labour of preparing a Breviate for each individual Bill. If a specific arrangement according to certain general principles were required, all that The House would have to seek for would be distinct information as to cases of proposed exception.

Even if the duties connected with the examination of Private Bills, however, were materially reduced in consequence of the establishment of some such general rules as those above suggested, or from other causes, there might be other duties united with the examination of Private Bills, which would occupy, with great advantage to the public, the time and attention of an officer of professional acquirements, and which would justify a permanent appointment for their discharge.

For instance, it has been proposed by the Committee which sat in the present Session on the question of the Jurisdiction of The House in respect to Controverted Elections, that the whole proceedings with regard to the examination of sureties and recognizances should be transferred from the parties who at present conduct it, to an officer specially appointed for the purpose by The Speaker.

It has also frequently been suggested that the phraseology of Public Bills might advantageously be revised by some competent authority, for the purpose of ensuring as far as possible uniformity in the expressions made use of, and curtailing whatever may be superfluous.

Supposing, then, that The House should in the course of next Session determine upon the adoption of these suggestions, or either of them, the same party who might be entrusted with the examination of Private Bills and the preparation of Breviates, might also undertake the additional duties which would thus have to be performed, and The House would probably deem it advisable to sanction some permanent arrangement, by virtue of which the authority of the officer appointed would be clearly defined, and a fixed and liberal salary appropriated to the office.

The duties connected with the Breviates will terminate with the present Session ; nor would they be renewed (even should the suggestion of Your Committee as to the further continuance of the experiment be adopted) until the commencement of the following Session. Your Committee, however, suggest that the interval of the Recess might be employed with great advantage in inquiring into the state of legislation in respect to the Private Business of the Country, and preparing the materials for the future consideration of The House.

With a view to that object, they recommend the employment by the Government of some competent professional persons, who shall classify the Private Business, and prepare drafts of General Bills to be submitted to the Legislature at the commencement of the next Session, as the form of general enactments under each head.

With regard to the last branch of inquiry entrusted to Your Committee, namely, what improvement can be suggested in the management of Private Business by Committees, they must beg to refer to the Minutes of Evidence and to the Appendix. It will there appear that the constitution of the present List Committees upon the Bill, and their mode of conducting business, is universally complained of. The same Witnesses, however, are far from agreeing as to the remedy ; the plan adopted this year by The House of Lords has been recommended by many of them, and Resolutions embodying the principle in practice, and

## ON PRIVATE BUSINESS.

v

and carrying out the details of the plan, were submitted to Your Committee, and will be found in the Appendix. In consequence, however, of a difference of opinion among the Members of Your Committee, it did not appear expedient to recommend the adoption of such a plan to The House, or to depart from the opinion entertained upon this subject by the Committee which sat last year upon Public and Private Business.

Other modifications of the present system, not involving a departure from the principle of local representation in Committees, but uniting that with the attendance of Members unconnected with the interests under discussion, were likewise considered; but, upon the whole, Your Committee are not prepared at present to recommend the adoption of any change in this respect. The subject, however, is one of so much importance, and the constitution of Committees on Private Bills, and their mode of transacting business according to the present system, is avowedly so far from being satisfactory, that they deem the further consideration of it well worthy of the attention of The House at the earliest period of the next Session.

*4 August 1838.*



## PROCEEDINGS OF THE COMMITTEE.

*Mercurii, 25° die Julii, 1838.*

## PRESENT :

**MR. POULETT THOMSON**, in the Chair.

Mr. Freshfield.  
 Mr. Aglionby.  
 Lord Ebrington.  
 Lord Granville Somerset.

Mr. Greene.  
 Mr. Shaw Lefevre.  
 Mr. Hume.

*Jovis, 26° die Julii, 1838.*

## PRESENT :

**MR. POULETT THOMSON**, in the Chair.

Mr. Freshfield.  
 Lord Stanley.  
 Mr. Greene.  
 Sir Robert Peel.  
 Sir James Graham.

Lord Granville Somerset.  
 Mr. Hume.  
 Mr. Shaw Lefevre.  
 Mr. Aglionby.

## LIST OF WITNESSES.

*Martis, 3° die Julii, 1838.*

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*Henry S. Smith, Esq.* - - - p. 21  
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*John Richardson, Esq.* - - - p. 35  
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*Jovis, 19° die Julii, 1838.*

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 The Right Hon. Lord *Granville Somerset* - - - - p. 53  
 The Hon. *John Chetwynd Talbot* - p. 56  
*John Henry Ley, Esq.* - - - p. 62

## MINUTES OF EVIDENCE.

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*Martis, 3<sup>o</sup> die Julii, 1838.*

**MEMBERS PRESENT.**

Mr. Hume.	Sir James Graham.
Mr. Loch.	Mr. Freshfield.
Mr. Greene.	Mr. Aglionby.
Lord Viscount Ebrington.	

**MR. SHAW LEFEVRE, IN THE CHAIR.**

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*St. George Burke, Esq., called in ; and Examined.*

1. *Chairman.]* YOU are a Parliamentary agent ?—I am.
2. How many years have you been in practice as such ?—I have been engaged more or less in Parliamentary business the last 12 years.
3. When a bill is first introduced in Parliament, you go before the Committee on Petitions to prove a compliance with the Standing Orders ?—Yes, we do.
4. Do you meet with any difficulty in that stage of the proceedings ?—No, I do not think we do.
5. Are you satisfied with the decisions of the Committee on Petitions generally ?—Yes, generally so.
6. I believe canvassing prevails a good deal with regard to the private business of the House ?—Yes, but not in that department ; in the Committee on Petitions I never heard of it.
7. The Committee on Petitions act judicially, and are not influenced by canvassing, or exposed to canvassing ?—So far as I have been able to observe, certainly not.
8. After it has passed the Committee on Petitions, and the Standing Order Committee, if necessary, you then proceed to the first reading of the bill in the House ?—Yes, we do, after the report of the Petitions Committee or the Standing Order Committee, as the case may be ; that is to say, either the Petition Committee state that the Standing Orders have been complied with, or otherwise ; there is a report from the Select Committee on Standing Orders, recommending they be dispensed with.
9. The bill then is printed ?—The bill is then printed ; in point of fact, the practice is generally to print it before.
10. Has the practice been to print the bill with all the clauses you intend to introduce ?—I think with all the clauses that we generally know of in the first instance, but not the protecting clauses, and those which are likely to arise in committee afterwards.
11. *Viscount Ebrington.]* There is no rule by which you are compelled to do so ?—No ; we print such a bill as will enable us to carry out the object in view ; for instance, in making a railroad, the bill would contain all the usual powers for making the railroad, the jury clauses, and those with regard to the constitution of the company ; afterwards, if any clause should arise with regard to the protection of particular land-owners or any other interest, they would be matter of negotiation, and would be inserted in the bill in committee.
12. Have you ever known a case where a clause has been kept back and not printed with the original bill, which was afterwards brought forward in committee ?—I do not think I have ever known a case where it has been done with a view to deceive ; I have frequently recommended parties not to put in a protecting clause

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*St. George Burke,* clause in the first instance, because it would be giving a precedent to other parties to ask similar clauses, but I do not think it is a plan adopted to keep out a clause with a view to deceive or to keep back any of the objects of the bill.

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13. Have you not known clauses inserted by the promoters of a bill, which have, in point of fact, materially altered the operation of the bill?—I have known such clauses inserted, clauses which have arisen from the consideration of a bill, but I have not known instances in which they have been introduced so as materially to alter the objects of the bill; I had a bill this year which came into my hands after it was printed by the solicitor, consisting of four pages, where it now consists of 30, or something of the kind; but in considering the bill, I myself and other parties thought that a great many other clauses could be introduced advantageously than those originally inserted, and they have been so, but I may say that I have not known a single instance of a clause kept back with the view to deceive.

14. There is no rule by which, if parties had that intention, they could, under the present circumstances, be prevented from inserting such clauses?—Certainly not; there is no rule of the kind.

15. *Chairman.*] After the bill has been printed, it is submitted to the gentleman who draws the breviate?—Yes. I should have stated, that before it is read the first time we are required to deposit 16 prints with the door-keepers, and five interleaved copies with the Private Bill Office, though I have never heard that these latter have been made use of; we have however to deposit those five interleaved copies; we then send in the bill with a breviate, prepared by ourselves, in conformity with the old system, made in the form we have always adopted; it is a very meagre account of what the bill contains; and then the bill is sent to Mr. Booth, who prepares a breviate from it in the manner he thinks fit; we obtain the manuscript from him, and at the expense of the promoters of the bill we cause that manuscript to be printed, and before the second reading of the bill we deposit in the Vote Office 660 copies of this breviate, to be distributed with the Votes among the different Members. We also give three clear days' notice of the second reading, but although the new Standing Orders limit the time to only three days between the first and second reading, yet as the subsequent Standing Orders with regard to the breviate require that six days shall elapse between the deposit of Mr. Booth's breviate and the second reading, it results that a considerable period must intervene between the first and second reading.

16. Viscount *Ebrington.*] To whose use are the 16 copies delivered to the door-keepers applied?—They are for the use of Members; whenever they require a copy they apply to the door-keepers, who have them at their disposal, to give them.

17. Mr. *Greene.*] And the interleaved copies sent to the Private Bill Office, are they filled in in the mode in which it is intended to pass a bill, or are they left in blank?—They are left in blank; but a filled-up bill is afterwards deposited.

18. *Chairman.*] After those 16 copies are exhausted, do you supply as many more as are wanted?—Yes; I have frequently had applications for more.

19. Viscount *Ebrington.*] And those additional copies are always supplied?—Yes, unless we are out of print; but when there is a great demand, there is always a considerable number printed.

20. The number you print varies according to the importance or general interest the bill is calculated to excite?—Yes; of an unopposed bill we print much fewer than of an opposed bill; copies are seldom refused by agents.

21. What number do you usually print of an unopposed bill?—Never less than 50; if more are wanted, we strike off 50 again, as the case may be, and afterwards we print them as amended, and then again as Acts, so that there are a great number of copies before the end of the proceedings.

22. Mr. *Hume.*] You keep the types standing?—Yes.

23. Mr. *Aglionby.*] Do you know of any instance in which any inconvenience has been experienced from the difficulty of obtaining a sufficient number of bills?—No, never.

24. *Chairman.*] Does the same canvassing prevail among the Members of Parliament to obtain their support or opposition to the bill on the second reading?—Yes, I think it is a very universal practice, canvassing on the second reading; in point of fact, parties have no means of making known their case to Members, except by distributing printed statements, or making them personally acquainted with it; the practice is known to prevail among those who wish to throw out the bill; the parties promoting the bill, therefore, must make the Members acquainted with

with the merits of their case, in order that they may be prepared to take one side or the other on the second reading; it certainly prevails to a great extent, and probably on the second reading always will prevail.

25. Should you say, from your experience, that canvassing prevails unfairly in the decisions of the House on the second reading of private bills?—From my own experience, I should say that in 99 cases out of 100, unless in flagrant cases, the House will support the second reading of a bill, on the ground that the committee is the proper place for inquiry; I know that is the case, and that very few bills are thrown out on the second reading; if they are, however, they generally deserve it.

26. Have you remarked that the decisions of the House have been more just since the breviates have been introduced?—No, I have not seen it; it has hardly come within the scope of my knowledge; I have not seen any practical result whatever from the printed breviates, though they have been very carefully made.

27. After the bill has been read a second time, it then goes to the committee?—Yes, to the committee on the bill.

28. That committee is composed of 120 Members?—One hundred and twenty Members, according to the list to which the bill is referred; the list of the county in which the bill originates.

29. And that list is composed of a certain number of Members, who are supposed to be locally interested in the measure, and a certain number of other Members who are supposed to be impartial?—Yes; they are composed, I believe, of one-half of the Members in and for the county immediately affected by the bill and the adjoining counties, and the other half are taken at hazard.

30. Is it occasionally the practice to add other counties to the list in cases of railway bills, which pass through more than one county?—Yes, an invariable practice; where a railway goes through several counties, the Members in and for the counties through which it passes are always added to the bill.

31. *Mr. Greene.*] Which makes an addition only of such Members as are locally interested?—Exactly so.

32. *Chairman.*] Does inconvenience arise from so large a number of Members being on a committee?—I think so; the very greatest, certainly, to those who are professionally engaged. It is a source of the greatest inconvenience to the solicitors in charge of the bill; they are in constant alarm if their case is much opposed, lest they should be tripped up in any proceeding when they have not a majority of their friends in the room. The consequence is, that instead of being able to apply their whole attention to the conduct of their case, they are travelling about for Members every where, and the inquiry has more the appearance of a contest which is to be decided by the number of friends on one side or the other than one which is to be decided by the merits of the case itself.

33. Within the last two sessions the number of the Members voting on divisions has been taken down?—Yes, and their names have been printed in the report in the case of railway bills.

34. And also the names of all the Members attending on the committee?—On railroads only; the Members who have attended are only printed in the case of railway bills.

35. Has that acted as a check on the Members of the different committees?—If I may presume to say so, I should say not; I do not think it has altered the course of proceeding at all.

36. Members have no scruple in coming down to vote without having heard a word of the evidence?—Certainly not.

37. *Mr. Hume.*] Have you not yourself, and do you not see other agents watch the time when a division is about to take place, and then collect as many Members as you can, never considering whether they have heard the evidence or not?—It is the course adopted; I might perhaps be permitted to say, with regard to myself and some other agents, that we do not practise canvassing; there are persons who do it, and the solicitors generally are obliged to do it; but I think some of the Parliamentary agents do not canvass at all; it certainly is the custom that parties are always employed when a division is expected, in making a whip for the occasion.

38. *Sir James Graham.*] Though it is not done by the Parliamentary agent, is it not the practice of the attorneys and country agents who come to London?—It cannot be done otherwise; there are generally deputations here for the express purpose.

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39. *Chairman.*] Has that practice prevailed for a great number of years?—As long as I have known business.

40. *Mr. Aglionby.*] Has it not been the practice to hunt for Members through the different committee-rooms to come and make a division?—No doubt of it.

41. *Viscount Ebrington.*] Has that practice increased or diminished of late years?—Of late years we have had more contested bills; railroads have produced a new kind of practice; there has been much more contest than there used to be, and therefore it has prevailed more of late years than it did formerly, but simply from that circumstance, that there have been more contested bills.

42. *Mr. Hume.*] Are we to understand that the consequence of that state of things is, that bills are often decided more by the extent of canvass than by the merit of the measure in question?—I think so; I think so frequently; I should go on, however, to state, that, in my judgment, most good measures are carried sooner or later, and many measures are properly thrown out; it happens most frequently, I think, that the majority of Members in the end have voted on the right side; I think every body's experience must have shown them that; but the system by which that result has been brought about is most inconvenient; and it is frequently only arrived at after applications in more than one session; I might instance all the railway bills which are now admitted to be good ones, the Liverpool and Manchester, and the London and Birmingham, and the Grand Junction and Great Western; all those measures were thrown out the first session, although they prevailed at last; I do not mean to say that the present system has worked well, but those measures which have been substantially good measures, although defeated at first, have come forward again, and in the end have been successful.

43. *Mr. Aglionby.*] Has not the system you have mentioned caused the greatest delay and expense to the parties?—Yes; great expense and great inconvenience.

44. *Chairman.*] You are agent for the Great Western Railway Bill, I believe?—Yes.

45. What did it cost the promoters of that bill during the first session?—I believe they spent at least 40,000*l.*, including all their expenses of surveys and other matters.

46. And they failed in consequence of the delays before committee?—Yes; they were detained 57 days in committee; certainly it was a strongly contested measure, but such a body of evidence was given there having nothing to do with the question, as I believe no judicial tribunal not influenced by the same motives as the Members of Parliament who attended there, would have suffered to be adduced before them.

47. The person who presides at the committee is generally the Member who introduces the bill?—Yes.

48. And of course is an active partisan in favour of the bill?—Yes, he is almost always chosen on that account.

49. However much the committee may vary while the committee is in progress, he always remains in the room?—Yes.

50. Does he exert any check in the examination, or prevent improper questions being asked, or prevent improper evidence being introduced?—I think, from my own experience, that from the known fact of the chairman being always a partisan in favour of the bill, he is generally anxious to appear to exercise a greater degree of impartiality than if he was not in that situation, therefore he is on that account frequently the more reluctant to check evidence.

51. If that is the case, is he not tempted to admit more evidence than he would if he were strictly unconnected with the bill altogether?—I think so, decidedly.

52. So that the inquiry is prolonged, and parties are put to greater expense, in consequence of the person having charge of the bill being chairman of the committee?—I feel satisfied that that is often the case.

53. *Viscount Ebrington.*] Would he, in point of fact, have the power of checking evidence, if the opinion of the majority of the committee was in favour of it?—No, certainly not.

54. *Mr. Hume.*] Is there not in committees such as you have stated a great succession of Members coming in and going out of committee?—Constantly.

55. Does it not often happen, that evidence which has been gone into by one Member is taken up afterwards by another Member, who comes in without knowing what has taken place?—That is occasionally so; but I do not think it prevails to a great extent; the Member is generally checked by being told, “We have had that evidence before.”

56. Does

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56. Does not a great number of Members changing from hour to hour make the evidence very unconnected, by the manner in which the questions are asked?—I do not know that it does to a great extent; I think it is very much in the hands of counsel; the counsel who are in attendance in committee conduct their case with regard to evidence pretty much as they please; I do not think the fluctuation of the Members does alter the nature of the evidence to any great extent.

57. Can you form any estimate of the quantity of evidence which those Members who divide on the different divisions in the committee may have heard?—I could not form an estimate; Members vote who have not heard a bit of the evidence.

58. Do you believe that one-half of the Members who vote have heard half of the evidence?—I have never attempted to form an average.

59. It is notorious to you that many vote without hearing evidence at all?—Yes.

60. What means are taken to inform Members who are to vote of the evidence that has been given, they not having been present?—I do not think that any particular means are used further than the preparation by the parties of their own statement, their own views of the case, which they take good care to circulate among Members; I do not think they go to the trouble or expense of publishing the evidence at all; if they did, it would be a garbled statement on each side, so that I do not think Members who have not attended the committee have any means of ascertaining the exact bearing of the evidence either for or against.

61. Mr. *Aglionby*.] May not Members, and do they not occasionally, refer to the short-hand writer's notes of the whole evidence?—Very rarely, I think.

61\*. They may do it if they please?—Only in committee.

62. Mr. *Hume*.] How many copies are there made of the evidence?—Only one.

63. Then, if there are fifteen Members, and one Member takes it home, all the others must be without information?—Yes; I do not think I have known one single instance of a Member's taking home the evidence; it may have been, but it is without my knowledge.

64. You have no means of knowing it?—I am not certainly the best evidence on that subject.

65. Mr. *Greene*.] You referred to the Great Western Railway Bill sitting a great number of days; was a great deal of evidence taken before that committee with a small number of Members present?—Small compared with the number in division; but we generally had a pretty full attendance; but on that committee we were constantly liable to this inconvenience, which is very illustrative of the badness of the present system; that a Member would come down, and the parties being very nearly divided, he would move to clear the room; it was impossible for us to know the object in view, or what the resolution was which it was proposed to be come to; then there was a general scramble to get friends down to be prepared to meet this particular division, and for the first time on coming into the room, we hear that a resolution has been carried one way or another, of which we had no previous notice.

66. Without having any communication?—Yes, without the slightest communication.

67. Lord *Ebrington*.] The expense of the promoters of the Great Western Railway was 40,000*l.* in the session in which the railway was rejected?—Yes, I believe it was, but I am not certain of the precise amount.

68. Can you state to the Committee at all the average expense per day of an opposed bill?—It varies of course.

69. The expense to the promoters?—It will vary according to the number of counsel employed and the nature of the evidence; the expense of witnesses in town; the character of the witnesses, and the sums paid to them for remaining in town; the expense of deputations attending; all those make a great deal of difference; but I should say, on the Great Western, the expense could hardly have been short of 200*l.* a day to the promoters of the bill.

70. Is that a very extraordinary and unusual amount of expense to the promoters of a private bill?—No, it is not in an opposed bill.

71. Is it much beyond the average of opposed bills, embracing objects of such a magnitude as the Great Western Railway Bill?—I should think it may be beyond the average; but I am not, perhaps, the most competent person to answer the question; it comes more within the solicitor's department; it will depend on the course of evidence given, and the number of counsel employed, and the witnesses

*St. George Burke, Esq.* he pays, which I have nothing to do with ; I should think it will be beyond the average, but still not an extraordinary amount.

3 July 1838. 72. *Mr. Freshfield.*] It would affect the expense where copies are made of the evidence which is given *pro and con*?—It is copied for every counsel.

73. *Mr. Greene.*] Is there not a great deal of evidence called by the opponents, merely for the purpose of delay?—I believe so, frequently.

74. The Great Western was itself thrown out by delay?—Yes; the first session it was thrown out on the second reading in the House of Lords, avowedly in mercy to the promoters of the bill, because it would have been impossible to have carried it through committee at that late period of the session, owing to the delay in the Commons.

75. *Viscount Ebrington.*] What are the payments made for the copies of the evidence furnished?—The payment made to the short-hand writer is 1*s.* a folio of 72 words, and I think that amounts on an average to 10*l.* or 12*l.* per day; after that it has to be copied for each of the counsel, for the purpose of consultation on the following morning, and it is not at all unfrequent for us to have four copies of that evidence, in addition to the one furnished by the short-hand writer.

76. *Mr. Freshfield.*] Is it not usual sometimes, where they take great interest in the question, for copies to be furnished to the Members of the committee also?—I have not known it.

77. *Viscount Ebrington.*] They have a right to demand copies at the same rate of expense?—Yes.

78. Any Member of the committee?—Yes.  
79. At the expense of the promoters?—No, not at the expense of the promoters; I should say it is not the short-hand writer who makes the four copies, it is done by the stationer.

80. *Mr. Hume.*] Is it done by the stationer, or the House?—By the stationer of the party.

81. What does the stationer receive for his copy?—I do not know exactly; I do not pay that charge.

*Robert Chalmers, Esq., Examined.*

*Robert Chalmers, Esq.* 82. *Mr. Hume.*] WILL you state by whom the copies of the evidence are prepared for parties connected with the bills?—By the stationers employed by the Committee Clerks' Office.

83. To the Committee Clerks' Office what do they pay?—Each party who orders a copy pays 1*s.* a folio.

84. The same as paid to the short-hand writer?—Yes.

85. What do they pay the stationer who copies it?—Two-pence a folio is paid by the Office.

86. Are we to understand that the Fee Fund of the House of Commons derives 10*d.* profit by every folio of copy that is given of private bill evidence?—That is the case; but if one party chooses to make copies from his copy, we do not charge him any thing for that; if Mr. Burke ordered a copy, and he chose to make four copies from that copy, we have no claim on him for any copy besides the first.

87. All that you prepare is so charged?—It is.

88. And is productive of that profit to the fee fund?—It is.

*St. George Burke, Esq., again called in; and further Examined.*

*St. George Burke, Esq.* 89. *Chairman.*] CAN you suggest any remedy for the defects you have described to prevail in committees of the House of Commons?—It is a point on which I should speak with great diffidence; but one principal and palpable amendment is, the reduction of the number of Members composing a committee; the notion of having 120 gentlemen to decide on a given question appears in itself to involve an absurdity. In the common occurrences of life, if parties had to submit a question to be considered and reported on by any individuals, they would not choose 120 men to form a tribunal to consider that question; probably they would be satisfied with two, three, four or five, the number of persons being governed by no other circumstance than the mere quantity of intellect sufficient to bear on the subject. In the House of Lords they are now working on a new system, by which five Members alone are appointed on all contested bills in committee. As far as I have been able to judge, it works perfectly well; they are enabled to give quite sufficient attention to the cases submitted to them; they attend regularly, and

and pay great attention; and in all cases, so far as I can learn, the parties have been perfectly satisfied with the decision come to.

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90. Previous to the new constitution of the committees in the House of Lords, did the same abuses prevail there which you have described to prevail in committees of the House of Commons?—The same exactly.

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91. And those have been entirely remedied by the new construction of the committees?—I think they have in a great measure, so far as I have been able to judge; I have had one strong illustration, which was, a bill extremely opposed by very influential parties; that bill passed a committee of the House of Commons unanimously, and from my knowledge of the influence of the parties opposing the bill, I should have considered it hopeless to have taken it up to the House of Lords if they had been able to attend the committee, according to the old system, with their friends; I mention that without any disrespect to the parties who would have attended, because it is the only system they could have adopted; under the former practice no peer attended the committee merely for the sake of the business attached to it; he was requested to attend by one side or the other.

92. Mr. *Hume*.] As a partisan?—Yes; at all events he came, requested to attend, and that being the case it would be known by the opposing parties that the promoters of the bill would bring down a committee to investigate their case, and it would have been their duty, in order to protect their own interests, to have brought friends also to hear their side of the case; and as, in the instance I have just referred to, they would have been enabled to bring a much greater body of friends than I am sure the promoters would have been able to have brought, I believe the bill would have been thrown out; the bill, however, was referred to a committee of five and was carried unanimously.

93. Mr. *Freshfield*.] Was it very strongly opposed?—Yes, very strongly, until the inquiry ended.

94. *Chairman*.] Was that bill afterwards opposed in the House of Lords on the third reading?—No, it was not; the parties who were opposing it did not think it right to interfere any further with the bill; they left it entirely in the hands of the committee, and remained satisfied with their decision.

95. Viscount *Ebrington*.] You consider the decision of a committee a judicial decision?—I do. I heard privately, in the case I have referred to, that one or two noble Lords who were opposed to the bill, determined they would leave it entirely to the committee and not interfere with their decision; they thought as the House referred it to them to investigate the merits, they ought not to interfere with it.

96. Mr. *Hume*.] Were the parties conducting the bill and opposing it perfectly satisfied with the proceedings of the committee?—The parties promoting the bill were certainly satisfied, and all parties must have been satisfied with the attention given to the case.

97. The expense attendant on committees must be very much reduced in the House of Lords compared with what it was before?—That depends very much on the peers forming the committee; if they have a very decided chairman, who will cut short irrelevant proceedings, he has it in his power to diminish the expense very much, but I do not know that there is any thing in the new constitution of committees that will necessarily have that effect; evidence may be admitted by a committee of five, as lengthy as that allowed by a more numerous committee; it is very likely, however, to have the effect you have mentioned of reducing the expense, because there is not that number of parties interested in the question, who will be enabled to support the admission of irrelevant evidence which might be admitted otherwise.

98. Mr. *Greene*.] The whole of the investigation before a committee on a private bill may be said to be nearly of a judicial nature, might it not, seeing that the conclusion ought to be drawn from the speeches of counsel and the receiving of evidence?—Yes; no other view can be taken of the duties of a committee; they are entirely judicial; it is a committee of inquiry; but their verdict has the effect of deciding whether the measure should go on or not; always so, if it is in the negative.

99. And deciding on both public and private rights to a very considerable pecuniary amount?—To a very great amount.

100. And therefore the more nearly you can assimilate the tribunal before which it is brought to something like a judicial tribunal, the better?—I think so.

101. Lord *Ebrington*.] You consider that the smallness of the number of the committee, by throwing a greater degree of responsibility on each individual

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Member, assimilates that committee more than would be the case in a more numerous one to a judicial body?—Yes, I do; I think that a small committee composed of only five or a less number, certainly are more likely to give a decision consistent with the evidence brought before them than a very large committee, even if it were only from the simple circumstance, that where a great number of parties decide a question, the responsibility of their decision is so divided that it is hardly felt.

102. *Mr. Hume.]* What would be the opinion of your clients generally as to a reduced committee; would they be more satisfied with that than a large one in the House of Commons?—I hardly know what would be their general feeling; but I believe the feeling among parties professionally engaged in bills is that the Members in committees are too numerous.

103. Is it not a general complaint on the part of those who employ you, the present mode of conducting private bills?—No doubt.

104. *Chairman.]* Do you think your clients would be satisfied if the same principle adopted in the House of Lords was to be followed in the House of Commons?—I think they would, or with something of that kind.

105. *Mr. Greene.]* Do you see any actual benefit in Members locally interested being on that committee?—That is a question I have considered a good deal; it involves a great deal of difficulty; there is no doubt that local Members are very frequently the most competent judges of the benefit to arise from any particular measures affecting places with which they are closely connected; they must know it more than parties living at a distance; and I confess that has raised great difficulty in my mind as to the expediency or not of such Members forming the committee to whom the private bill is referred. At all events, in unopposed bills, where very meagre evidence is adduced, I should think that Members who were locally acquainted with the merits of any particular measure brought forward would be more competent to decide on it, or to have proper clauses introduced, than other Members. Where a bill is strongly opposed, there it is quite certain that the opponents will bring forward all the points of evidence necessary to be urged against the bill, and therefore the committee will be put in possession of all the facts, but I do not think that is the case with regard to an unopposed bill; there the parties promoting the bill bring forward what evidence they please, and they keep back what evidence they please, and therefore if such a bill were brought before Members wholly unacquainted with its local merits, I hardly think they would be so capable of adjudicating on it as Members locally acquainted with the subject.

106. Should you see any objection to leaving the present system for unopposed bills, and introducing a system in the House of Commons similar to that introduced into the House of Lords for opposed bills?—Not exactly so; the notion had suggested itself to me of a Standing Private Committee; we all know in the House of Lords all unopposed bills go before one tribunal, namely, Lord Shaftesbury; nobody else sits on them at all; at the same time, from his extensive knowledge, he is quite competent to judge, not exactly of the preamble, for on that point he generally requires but slight evidence, presuming, I suppose, that the subject has been sufficiently investigated here; but he is perfectly acquainted with all the clauses and details, and sees that the public are properly protected, and private rights also. If there was such a committee existing in the House of Commons, to whom all unopposed bills should be referred, they would soon acquire a great deal of experience of the whole context of such bills, knowing what they should properly contain, and what degree of evidence should be brought forward in support of each. If such a committee could exist, and could be aided by local Members, I think they would form a very proper tribunal; I think, for instance, there should be a committee, something like the Standing Order Committee, of 42, with power to appoint sub-committees to sit on all unopposed bills; if that committee were to appoint five Members, and to add to them two local Members, on each private bill, it appears to me that they would form a very excellent tribunal for passing any unopposed measure.

107. *Chairman.]* The Members you propose to add are the Members whose names are on the back of the bill?—Yes, they would generally be so.

108. Lord Shaftesbury has a counsel?—Yes.

109. Would it be necessary to have counsel attached to this committee?—I think not; I think it would involve us all in great difficulty if there were two counsel, one for the House of Commons and one for the House of Lords; they might

might not always agree, and we should have constant conferences with them in order to make them agree in all points ; besides which, I believe you will find from every witness that will be called before you, that every person has reason to be satisfied with the manner in which the business is done in Lord Shaftesbury's office ; the bills are very narrowly sifted there.

110. Mr. Freshfield.] In point of fact, the counsel of Lord Shaftesbury does control the form of the bill in the House of Commons ?—Yes, and I never presume to pass a bill in committee until Lord Shaftesbury has seen every clause.

111. Chairman.] You do that to avoid expense ?—Yes ; and if we introduced clauses to which he objected, it might have the effect of throwing out the bill.

112. Sir James Graham.] In an opposed bill, would your clients be satisfied with five Members taken by ballot from the whole House of Commons, to the exclusion of all Members who possess local information ?—I think some would, and some would not. I am hardly able to say what my clients would be satisfied with, but I hardly think they would be satisfied with a committee of five, taken by ballot from the whole House.

113. Would you be satisfied with that ?—No, not taken by ballot.

114. When you talk of a select body of five, you mean five selected from a chosen few of the House of Commons ?—I do.

115. Persons of a judicial mind ?—Yes, as far as possible.

116. But the promiscuous chance of selection, you think, would not form a fit tribunal ?—I think not in many instances.

117. Chairman.] Are you aware how the Members of a committee in the House of Lords are selected at present ?—When a petition is presented against a bill, which makes it an opposed bill, it is referred to a select committee of five peers, appointed at the beginning of the session, the duties of which committee are to appoint the other committees on private opposed bills ; therefore the moment a petition is presented against a bill, that bill is referred to this select committee to appoint the five peers, who are to sit on it ; Lord Shaftesbury then confers with such peers as he thinks are proper peers to serve on the committee, to know if it will suit their convenience to do so ; he places none on but those who consent to sit, because they are obliged to sit from day to day from eleven to four, which is a very onerous task, and therefore he only places those who consent ; but none are allowed to sit on it who have the smallest degree of interest in the question at issue.

118. Mr. Loch.] Is the committee chosen from the whole House, or from a select body of the House ?—They are chosen from the whole body ; it is in the discretion of the select committee whom they appoint.

119. Sir James Graham.] Is it compulsory on them to attend ?—Yes.

120. Nothing but illness prevents ?—Yes, or some equally cogent reason ; in a recent case a son of a peer had met with an accident, and he obtained leave to absent himself, and we went on with four peers only.

121. No other ground would be admitted, but such as would be admitted by an election committee in the House of Commons ?—No other.

122. Viscount Ebrington.] It is optional with them whether they will attend or not ?—I believe it is.

123. Chairman.] Does the general committee on private business, which selects the select committee, do they appoint the chairman, or is the chairman chosen by the committee itself ?—The chairman is chosen by the committee itself, I think generally according to rank, as far as I have been able to learn, but am not certain.

124. Viscount Ebrington.] Do you think your clients would be satisfied with a tribunal similarly constituted in the House of Commons for opposed private bills ?—As far as I have the means of judging, I think they would be better satisfied with a tribunal formed in that manner than the present tribunal.

125. Mr. Loch.] You yourself would ?—Decidedly.

126. Chairman.] Have you any other suggestions to offer on the constitution of the committees on private bills ?—No, I think not ; I would, however, state a notion which I have received from the honourable Member for Lancaster, with regard to the Standing Order Committee on private business, that it might be extremely useful to have such a standing committee always existing, which should be able to form rules and regulations for the government of proceedings in other committees, with a view to diminish the expense and to assimilate as much as possible the proceedings and evidence before that committee to a proceeding before a judicial

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Sir George Burke, Esq., tribunal; if we had the power of referring in any case of doubt to such a tribunal, they would soon form such a code of laws as would reduce proceedings to a greater degree of certainty than now.

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127. Would there be any objection to the committee of 42 taking that duty? — I should think none.

128. Mr. Hume.] As the committee is now formed, in all cases of doubt you have to refer to the Speaker? — We very frequently do so.

129. Do you mean that those questions of doubtful order that are now referred to the Speaker should be referred to a committee such as you have mentioned; that that would be more convenient? — Yes, I think so; and I would go further, I think the committee would be able to interfere in matters which the Speaker would not think it right to interfere in, and they would be able to make certain rules for the guidance of the proceedings in committees generally; they might even fix a limit to the duration of the proceedings, and prevent the procrastination of them sometimes.

130. Do you mean rules different from standing orders, or such rules that might in time become standing orders, known to every one? — I mean such as might hereafter become standing orders, or at all events become so notorious as to act as the common law on all parties practising; that committee could also furnish a chairman to all opposed committees, and in that case that chairman would be perfectly cognizant with the opinions of the select committee on private business, and would be able to bring his experience to bear on all cases so as to infuse a great degree of regularity into them.

131. Do I understand you to say that it would be better that one of that select committee should in every case be chairman of the committee on the bill, instead of the individual bringing it in, he being a partisan or favourite of the measure? — I think a chairman appointed from the committee would be a much more fit and proper person; there is also one other point to which I would refer; according to the present standing orders, parties who are dissatisfied with any vote in the committee are allowed to appeal to a select committee; I think practically no one ever has had recourse to that committee, in my own experience never; but it might perhaps be worth consideration whether such a committee might not be brought into greater use than it has hitherto; if it were so, I should presume it would require to be put on a very different footing to what it is now, because the objection to it, as at present constituted, would be, that an appeal would involve the hearing of the case all over again, and put the parties to the expense of another inquiry; but it had occurred to me that the proceedings might be put in print and submitted to their decision, without putting the parties to the trouble or expense of coming before them.

132. Mr. Hume.] You would assimilate that to an appeal of a judicial case, where no evidence is taken, and the evidence is laid before them in review? — Yes.

133. Sir James Graham.] Something like the appeals to the Standing Order Committee from the Committee on Petitions for a bill? — No, that is rather a Committee of Relief; it is hardly to be called a Committee of Appeal, the Standing Order Committee.

134. Mr. Freshfield.] You mean strictly a Committee of Appeal? — Yes, exactly so; if that committee were to exist, it would then involve the necessity (and I should imagine it would be one that the parties ought not to complain of) that all evidence given should be printed; if that were the case, every Member would be in possession of the evidence when the question came to be considered in the House hereafter; it is a very general remark among parties, that by reducing the number of Members in committee to a small number, if they still retain the same power which is now retained in large committees of rejecting measures or not, it would be placing in the hands of a very few Members of the House the duties that are properly exercised by the whole of the House; and, therefore, it has been surmised by many persons, that the House hereafter will very often entertain questions coming from those committees, and there will be more frequent divisions on reports than there have been hitherto; if that were to be the case, it would be advantageous that every Member should have it in his power to get a copy of the evidence.

135. Sir James Graham.] Do you think it desirable that those appeals to the House should be multiplied from committees? — Very undesirable, but we could not prevent it.

136. With

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136. With a view to the justice and merits of the case, would it be desirable?—I do not think it would; but many parties who might be dissatisfied with the vote of a committee of five, might endeavour to strengthen themselves in the House, in order to upset their decision.

137. Whatever the complaints of the public as to committees on private bills, are not those complaints as loud with regard to the conduct of the whole House on private bills?—No.

138. The public think that the merits are more appreciated in the whole House than in committees?—I do not know that; but there are no means of deciding a question in the House but by a vote, without hearing any evidence; therefore parties have no right to complain of the votes of any particular Members, who, in consequence of their right, vote as they think fit; but they have a right to complain of the manner of conducting an inquiry which is not at all consistent with the usual rules which govern inquiries before a judicial tribunal, and of voting nominally on evidence which may never have been heard.

139. Is not private canvass more openly avowed and more strongly pressed on Members of the whole House about to decide on a private bill than on committees?—I think the canvass is as strong in committees; I do not think you can prevent canvass in the House, but certainly the canvass has been as strong in committees as in the House; as I stated before, I think it is with a different result; in nine cases out of ten the House decides rightly; you seldom or ever have a measure thrown out on the second reading unless it is a very flagrant case, and it hardly ever occurs that a measure is thrown out after the committee have reported.

140. *Chairman.*] Do you not think the House would be inclined to support the decision of the committee if it were an impartial one?—I should think so.

141. *Mr. Hume.*] Would not the appeal to which you have alluded render discussion in the House much less necessary?—It is under that notion that it suggested itself to me; I think that it would; I think, after a bill had been through those two tribunals, viz. the committee on the bill and the appeal committee, the House in nine cases out of ten would support the decision of those committees.

142. Where dissatisfaction exists at the decision of a committee, do you think that an appeal such as you have proposed would prevent the necessity of having recourse to a discussion in the House?—I think practically it would have that effect.

143. *Sir James Graham.*] Would not appeals be almost universal on the part of defeated parties before the first committee?—I think not, though they might be frequent; I do not think, however, in the manner I suggest, that it would involve any great difficulty; it is hardly to be supposed that the appeal committee would decide contrary to the other committee, unless they thought their decision was palpably wrong.

144. You would refer nothing but the printed evidence?—Nothing but the printed evidence and the statement of the printed case.

145. Would you allow counsel to be heard?—No, unless they were called for by the committee.

146. *Mr. Freshfield.*] Would you allow the committee to give costs as against the parties appealing?—I was going on to state that the plan ought to go to that extent; that in case the committee of appeal should support the decision of the other committee, the appellants should in that case pay the whole costs of the appeal; that would operate in some measure as a check.

147. *Viscount Ebrington.*] There is no committee of appeal in the House of Lords in the case of private bills?—No.

148. And you stated in the former part of your evidence, that the House in almost every case has confirmed the decision of the committee of five in the House of Lords?—Yes, hitherto; but the system as yet is extremely new; we have not had above half-a-dozen cases, and in those cases they have not been brought before the House at all; I have a committee, however, sitting at this moment, in which another course may be pursued; I allude to the Oxford Railway, which is now sitting before a committee of five, and it is a very possible case that that committee will pass the bill; but it is known that extremely influential parties are opposing the bill, namely, the University of Oxford; and although the committee may decide in favour of the bill, those parties will probably endeavour to get up an opposition on the third reading or the report.

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149. Do you think that those influential parties would not be likely to take the same course, even though the bill were submitted to the ordeal of a committee of appeal?—I think they might be likely to attempt the same course, but the great body of the House would go along with the two committees.

150. Would a much greater body go along with the two committees than would now go along with the one committee appointed by themselves, in the event of their generally believing that the decisions of that committee were founded on the principles of justice?—I think so, for this reason; that in many cases, parties, whether truly or not, will complain that the first committee have been influenced by improper motives, or that they have not come to a right conclusion on the evidence; whether truly or not, that will be said, and parties will endeavour very possibly to influence Members under that view of the case; but if a second tribunal were to report that the decision of the first was right, and they had considered it over again, I think parties would have no ground to complain of the first decision, or be able to influence Members in their votes; I think so; but it is quite a new suggestion; it appears, however, to me, to be calculated to have that effect.

151. *Mr. Greene.*] You have already said that as to the Committee on Petitions you are not aware of any canvass existing?—I have never known it.

152. Prior to the adoption of the present system, canvassing existed in the old committee to whom the petition was referred?—It was the same committee as on the bill.

153. Therefore the same system of canvass did exist prior to the introduction of the present system?—Yes.

154. *Viscount Ebrington.*] Have you known any canvass exist as to the Standing Order Committee?—I have never known it myself; but I have been told so; the Standing Order Committee being a more numerous one than the sub-committee, where parties have been uncertain whether more than five Members could be got together to attend, they have very possibly asked Members composing that committee to attend on a particular day when their case was to be heard, but whether they have attempted to influence them or not, I cannot say; at all events, if they consulted with me, I should advise them very strongly not to lay any case privately before them.

155. You do not consider in all cases where they have asked them to attend, their doing so has been with the view of influencing their decision in the particular case?—I have no doubt where they have been asked, it has been in the hope that the parties asked would take a favourable view of their case, but I do not think it has been done to any great extent.

156. *Chairman.*] Some appeals have been made to the House against the decision of the Committee on Petitions?—Yes.

157. Have the decisions of the committee generally been supported by the House, are you aware?—Yes, in the House I know they have been entirely supported.

158. Are you aware of any instance in which the House has not supported the decision of the Committee on Petitions?—No; but there has been also an intermediate decision of the Select Committee on Standing Orders; in a case which was very much canvassed, the Tamworth and Rugby Railway Bill, which came before the House three times, we had first of all the decision of the sub-committee, declaring the Standing Orders not complied with; then, in corroboration of that, the decision of the Select Committee on Standing Orders; against those two decisions the House could not be brought to take any decided step; but I do not know if there had been a decision of one committee only whether they might not have been more liable to alter that decision.

159. *Viscount Ebrington.*] Are you aware that the House supported the decisions of those two committees in the face of every canvass made to induce them to reverse those decisions?—Yes, a canvass on both sides.

160. *Chairman.*] Are not appeals made to the House against the decision of the Standing Order Committee?—Any appeal to the House would be necessarily against the decision of the Standing Order Committee; before the parties can be estopped in their proceedings, they must have had the decision of the Standing Order Committee against them.

161. *Sir James Graham.*] Was there not an appeal to the House from the decision of the Standing Order Committee with regard to the deposit in the Edinburgh and Glasgow Railroad?—It was not from the Standing Order Committee;

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mittee; the parties had not deposited the 10 per cent. as required by the Standing Orders; the Committee on Petitions declared that the Standing Orders had not been complied with; then, on appeal to the select committee, they determined, in the peculiar situation in which those parties were placed, their bill having been thrown out by the sudden dissolution of Parliament last year, that they should not be liable to the new Standing Orders, and that they should be allowed to proceed on making the deposits; afterwards the question was taken up by the committee on the bill, and some honourable Members were not satisfied as to the deposits, and brought the matter before the House, and then the House determined that the bill should not go on without a clause determining that a certain sum of money should be paid up before the powers of the Act were put in force.

162. Did not the House insert on its journals a resolution that the Standing Orders had not been complied with?—I am not aware that they did; I was not the agent for the bill.

163. *Chairman.*] After the bill has passed through the committee, you report it to the House?—We do, giving one clear day's notice before the report is made.

164. It is frequently the practice to bring up clauses on report?—Not frequently; it is rarely done.

165. When clauses are brought up with the report, are they always shown to the Speaker?—They ought to be.

166. Unless the Speaker consents to the clauses being brought up with the report, the parties never attempt to do it?—The promoters never attempt it; the opponents may propose clauses without their being seen by the Speaker.

167. Supposing a rule was made that clauses should not be brought up with the report, what would be the expense attending the re-committal of the bill?—The expense would not be very great; delay is what the parties very generally object to; the expense would be probably not more than 10*l.*, unless there was an inquiry gone into in committee.

168. There is no breviate to the bill after it has passed through the committee?—Only of the amendments.

169. There is a breviate of the alterations before the committee, but there is no subsequent breviate?—No.

170. Sir *James Graham.*] It is very possible to add clauses on the report or third reading of private bills, but if it were necessary always for the purpose of adding clauses to have a re-committal of the bill, would not the expense of such re-committal produce much greater care and attention, and greater perfection in the original committee?—I do not know that it would have that effect; I believe we always try to pass the bill as perfect as we can; but circumstances often occur which render the insertion of clauses on report necessary. For instance, last week having passed a bill through the committee, and being perfectly satisfied with it ourselves, the corporation of Norwich sent up two clauses, being money clauses, and insisted on those clauses being inserted, otherwise they would oppose the bill; under those circumstances it was essential to put those clauses into the bill in the Commons, or they would defeat the bill in the Lords; therefore I was obliged to get them in on report.

171. What would be the objection in that case to the re-committal of the bill?—None, except delay.

172. Mr. *Hume.*] State wherein the delay consists?—It is this: in a railway bill, your bill, after going through the committee, has to be reported, and one clear day's notice given of that, and then, seven clear days must elapse before the consideration of the report, and again that consideration of the report can only take place on a Tuesday, so that you may, between your committee and the consideration of the report, have lost an interval of two or three weeks.

173. Sir *James Graham.*] Would not the objection you have stated be obviated by shortening those periods in cases of re-committal?—In a great measure.

174. Would not any inconvenience to parties, either of delay or expense, be more than compensated by the security to the public against surprise or the introduction of clauses on the third reading?—The objection to the introduction of such clauses is very great; I am only answering the question as to the reason why parties object to the re-committal of the bill, without urging that it would not be a good plan to prevent the insertion of any clauses on report.

175. Would not one of your principal objections be obviated, the objection a to delay, by shortening the period in cases of re-committal?—Yes, I should hope

*St. George Burke, Esq.*, in cases of re-committal we should not be required to go through all the proceedings of report and consideration of report over again.

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176. If on the whole the House were to determine not to allow clauses either to be inserted on report or third reading, but invariably insist on re-committal, in your opinion would it be fair that the periods which are fixed for the stages of the report and third reading and intervals should be re-adjusted with reference to the case of re-committal?—Yes, I think so.

177. *Mr. Greene.*] In case of re-committal, is it competent to opposing parties to go through the whole bill, and offer objections to each clause?—It would be re-committed on those clauses only.

178. *Mr. Hume.*] Do you see any reason why that re-committal should not take place on the following day?—None. I believe it would.

179. *Sir James Graham.*] Have you not known most important alterations in the substance in clauses added by way of rider on the third reading?—Yes; I will not say important alterations, but I have known important clauses introduced.

180. Which escaped, by being so introduced, all the ordeal or examination which the bill has previously undergone?—Yes; but they have all the examination of Mr. Speaker, and from my own experience, he is extremely particular in not allowing clauses to be introduced on which he thinks any great difference of opinion could arise.

181. *Mr. Freshfield.*] Do you see any objection to allowing the Speaker to exercise his discretion on matters of course, and not on those which are not matters of course?—It would add very greatly to his duties to examine these clauses before the third reading, if it became a general practice to allow of their introduction at that stage of the proceedings.

182. *Sir James Graham.*] Is not that an additional reason for prohibiting the introduction of them?—I think so; I should prefer the bill being re-committed, because I believe that now many parties think they can get clauses introduced on report or third reading, and therefore delay them, or do not press them so much as they ought to do.

183. *Mr. Greene.*] Would it not be possible to throw on opposing parties who brought up clauses at so late a period the expense of re-committal?—Yes, I should think it might.

184. Leaving the committee to decide?—Yes; but I think in the great majority of cases those clauses are brought up by consent of the parties; and it would be a great hardship if bills were allowed to be re-committed, because opponents chose to delay bringing forward their clauses, which no doubt they would do for the purpose of entailing delays on the promoters; almost invariably clauses proposed on report are proposed by consent of the promoters; but if other parties did occasion the re-committal, I should hope, at all events, the committee would have it in their discretion to make them pay the expense of it.

185. *Chairman.*] Have you any other suggestion to offer as to the two last stages of report and third reading?—No, I think not.

186. Your main objection with regard to the conduct of private bills applies merely to the constitution of the committee?—Yes, certainly it does.

187. *Mr. Greene.*] Do you apprehend, in point of practice, compelling five Members to attend from day to day on any bill would be throwing a greater degree of labour on the Members of the House than the present practice?—I think it would have a very contrary effect; indeed I think the constant solicitations to which Members are subjected, and being necessarily often called on to yield to those solicitations, imposes a degree of labour on them that this would relieve them from entirely.

188. In point of fact, is not the real work of the private business of this House done by, comparatively speaking, a small number of Members, as compared with the whole body?—Yes, no doubt it is.

189. *Mr. Freshfield.*] Is it not very fortunate it is so done?—I dare say it is.

190. *Mr. Greene.*] Are not there a vast number of Members who never do attend, whose services would be valuable, if compelled to sit *de die in diem*?—I have no doubt of it.

*James Robinson Hayward, Esq., called in; and Examined.*

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191. *Chairman.*] YOU are a Parliamentary agent?—Yes.

192. How many years have you practised as Parliamentary agent?—Seventeen years.

193. In

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193. In that time you have had a great number of contested bills to carry through both Houses of Parliament?—A great number during that period.

194. What do you consider to be the great impediment in the progress of a bill through Parliament?—Do you mean any one particular impediment?

195. Do you see any objection to the forms and proceedings of the House with respect to the earlier stages of the bill in Parliament?—Some of the new practice which has been introduced occasions very great delay, and does not appear to me to be of much use; the 10 days between the presentation of the petition and the sitting of the committee on it, and then after that the breviate, delay the bill very much indeed.

196. Do you not think there is an advantage in having the 10 days before the sitting of the Committee on Petitions that no party may be taken by surprise who opposes the bill?—I do not object to the 10 days between the presentation of the petition and the sitting of the committee, so much as the necessity of giving 10 clear days previous notice.

197. The parties opposing a bill have then more time to present their petition against the bill?—Certainly.

198. What is your opinion of the breviates?—If I am called on to give an opinion, I do not see the use of them; that is not an opinion entertained by many honourable Members; they conceive they are useful; but they occasion delay to the parties and considerable expense; in many cases of bills of mine this session, the mere expense of printing the breviate, without taking into consideration any of the other expenses attendant on them, has amounted to 15/-.

199. Is it not desirable that the House, before it comes to a decision by a vote on the second reading of a bill, should in some measure be in possession of the provisions of that bill?—Undoubtedly; but I think the provisions are better understood by the bill itself than by any abstract or breviate; and it will be recollect ed that on the second reading of a bill it is the principle which is discussed, and not the provisions.

200. Would the bill ever be read by one-tenth of the Members of the House, supposing copies distributed to all the Members?—No, and I very much doubt whether the breviate is.

201. You think the breviate is more likely to be read than the bill?—Yes.

202. Sir James Graham.] If an order has been given by the House on the recommendation of the Standing Order Committee to have some clause inserted in a bill, and upon that a discussion takes place in the House, would not Members turn to the breviate to see whether such a clause was inserted?—Certainly; but they may turn to a copy of the bill, and they would ascertain whether the clause was in the words and to the effect it was intended to be, which they would never learn from the breviate.

203. Is not the breviate sent to every Member, whereas a copy of the bill is not?—Yes.

204. Are not the instructions given by the House to the committee within the cognizance of the barrister who prepares the breviate?—Not unless he refers to the Votes; he has no means of knowing it, unless by reference to the Votes and going out of his way; there is no document sent to him from the House by which that comes under his cognizance.

205. A Member being cognizant of the order given, and seeing by the breviate the mode in which it has been executed, will he not be able to form a just opinion as to whether the intention of the House has been complied with?—I should doubt whether he could; indeed I think he could not.

206. Mr. Hume.] Do we understand you, that you object to the breviate on account of the expense?—That is one of the objections, and the delay is another.

207. Would not the expense of sending bills to every Member be more?—Decidedly; if one or other is to be done, I should say, go on with the breviate.

208. Seeing Members have no copy of the bill before, and now they receive the principal provisions in the form of a breviate, is not that an advantage as far as it goes?—The honourable Member is not quite correct in the practice; it is perfectly true that a copy of the bill is not sent to every Member; but under the old practice, and under the present practice, printed copies of the bills are deposited with the door-keeper; every Member on application to the door-keeper might always get possession of a copy of the bill; whenever the copies deposited with the door-keeper are exhausted, he applies to the agent for more, and is invariably supplied

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supplied to any extent ; he therefore now not only has the bills as before, when he asks for them, but the breviate in addition.

209. What number of bills do you, as the regular rule, send down to the door-keeper ?—Fifteen.

210. What number in addition are you generally called upon for ?—It depends entirely on the nature of the bill ; for a bill which excites no attention, probably the first fifteen are sufficient ; in a railway bill or a bill of importance, we are sent to, over and over again, for copies of the bill.

211. What number ?—It is impossible to say the number.

212. Do you send 600 ?—No.

213. What is the greatest number ?—I cannot say.

214. Do you send so few that you are satisfied that the number of the Members who take the trouble of reading a bill must be very few in proportion ?—The number of bills delivered are few in proportion to the number of Members of the House.

215. Is there not a better chance of the general provisions of a bill being known by the breviate being sent to each, than under the old system ?—Perhaps there is.

216. Viscount *Ebrington.*] What is the greatest delay caused by the breviate ?—By the Standing Orders of the House, three days must intervene between the first and second reading of the bill ; but by the new Orders with respect to the breviate, no bill can be read a second time until the printed breviate has been six days on the table of the House. The course of proceeding, therefore, is this : suppose I have a bill ready to present to the House ; it is presented, and read a first time ; on the same day I send a copy to Mr. Booth, the barrister, to make his breviate ; if it is a long bill, and if there are several sent at the same time, it is perhaps in some instances nearly a week, in some more than a week, before I can get my breviate from him ; I am then obliged to read that breviate over, and compare it with the bill, to see that it is correct ; as he wants his original breviate to be returned to him, I am obliged to make a copy for the printer ; I have then to go to the printer, and get the proof ; when that proof has been examined, I have to return it to the printer, and get 660 copies struck off, to deposit at the Vote Office. Now instead, therefore, of three days only intervening, as the Standing Orders require, between the first and second reading of the bill, the proceedings of the breviate make it very nearly, if not quite, a fortnight ; in all cases it must be more than a week.

217. Mr. *Freshfield.*] That includes the six days ?—Yes ; whereas the Standing Orders require only three.

218. Chairman.] If you were to be called on to print copies of the bill for every Member of the House, it would subject you to a great deal more inconvenience and expense ?—Decidedly.

219. Are you satisfied with the constitution of the committees on bills ?—If I may say so, I feel by no means satisfied.

220. State your objections ?—In the first place, the numbers alone are objectionable.

221. Too many ?—Too many by far ; and the mode in which business generally is conducted, the evidence being heard by only a part of the Members, many voting without hearing the evidence at all, some coming one day, some another ; all those I consider very great objections ; I consider also that the larger the number, the more the responsibility is divided ; no individual Member can feel that he is individually responsible for the vote which a committee may have come to ; my opinion, therefore, is, that if some plan could be devised by which the punctual attendance of a smaller number of Members could be relied on, that alone would be a very great improvement.

222. Mr. *Loch.*] What effect has the greater number of Members of which the committee is composed on the practice before the committee ?—It has no particular effect on the practice.

223. Are the counsel and solicitors as anxious to get through the case as if there were a smaller and more select number before whom they practise ?—I do not see how that would affect them, but I think the matter would be got through much quicker by a smaller number than a large one.

224. Why ?—Because the same Members who attended and heard all the evidence would sooner come to a conclusion.

225. Chairman.] You would propose that the number of Members should be limited, and the attendance should be compulsory ?—I should think something of that

that kind; I was only aware this morning of being called here; I am not come prepared with any plan; I only came to give general views on the subject; it has long struck me that that would be one great improvement.

226. Viscount *Ebrington.*] Do you think the limitation of numbers would be generally more satisfactory to parties concerned in private bills?—Yes.

227. Do you think they are generally dissatisfied with the present constitution of the committee?—I cannot help hearing the complaints which are frequently made.

228. Mr. *Aglionby.*] Have you formed any opinion as to the number you would limit it to?—No; I should say, as nearly as the different constitutions of the two Houses would admit, that a plan somewhat similar to that adopted in the House of Lords might be adopted here.

229. To what plan do you allude?—I mean the plan of referring every contested bill in the House of Lords to a select committee, consisting of five peers, which has been lately introduced.

230. Mr. *Hume.*] What is your opinion of that?—I think it is a very great improvement on the old system.

231. In what way?—In the first place it saves time, because the committee are bound to meet at a certain hour, and they cannot adjourn unless they report the reasons of that adjournment to the House; I think also as there is so small a number, they feel a greater responsibility on them, they feel themselves invested a great deal more with a judicial character, which I think is a very main point.

232. Mr. *Loch.*] Is there any canvass among the Members of those smaller committees?—I apprehend not.

233. Was that the practice in the House of Lords formerly?—I am sorry to say that in both Houses it has been carried in committees on private bills to what I consider a disgraceful extent.

234. Does it still exist in committees of this House on private bills?—To the best of my belief it does, as well as on the second and third readings of bills in the House.

235. *Chairman.*] The canvassing is generally carried on by the solicitors of the bill?—Partly by them, but there are persons who employ themselves in canvassing.

236. There are persons who are paid for canvassing Members on committees of private bills for their votes?—I believe so; the question has been frequently put to me whether it would not be proper in such and such a bill to employ a person of that description.

237. Viscount *Ebrington.*] Naming the person?—Persons have been named.

238. Mr. *Hume.*] Do you mean to go round to the houses of the Members, and request their attendance in support of any particular measure?—Yes, and rather more than that.

239. Mr. *Freshfield.*] It has been understood that they have influence with certain Members?—It has been so understood.

240. Mr. *Hume.*] What do you mean by influence with certain Members?—That they could influence their attendance and their votes.

241. *Chairman.*] You speak of this practice of canvassing, did it prevail some years ago?—Not till late years that I ever heard of, at least, to so great an extent.

242. Before the constitution of the present Committee on Petitions for Private Bills, was the committee canvassed in the same manner as the Committee for Bills was canvassed?—I believe they were.

243. Have you ever known a case since the establishment of the committee of 42, where canvass has been made for or against a bill?—Certainly not, with reference to the committee of 42.

244. You are satisfied with those committees as they are constituted at present?—I have not the least doubt that they are a great improvement on the old system, and I have every reason to be satisfied.

245. You have there the principle of a certain number of Members acting judicially, who are responsible for the decision to which they arrive?—Certainly, and that is the ground on which I said I preferred a smaller number.

246. You conceive that if the Committee on a Bill was constituted on the same principle nearly as the Committee on Petitions, the same satisfactory result would be arrived at?—I have hardly considered that point sufficiently, but this has occurred to me, that with respect to a bill there might be some dissatisfaction in the country, if local interests were altogether excluded.

*J. R. Hayward,  
Esq:*

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J. R. Hayward,  
Esq.

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247. Mr. *Loch.*] How do you apply that to the committees of the House of Lords?—I am not saying that is my opinion; I think there may be some dissatisfaction; for my own part I should prefer a committee without any local interest; I should say that a committee without local interest or political prejudice, or, in short, any bias of any sort, would be the best tribunal before which a bill could come.

248. Do you say the persons in the country have expressed dissatisfaction as to the mode in which the House of Lords' committees are made?—I do not.

249. Have you heard dissatisfaction expressed?—No.

250. Viscount *Ebrington.*] You believe it is considered generally in the country a great improvement of the old system?—I have had no communication from the country on the subject, but only with persons in town.

251. Mr. *Aglionby.*] Have you considered whether such an objection about local interest might be removed by allowing Members who have such local interest to attend the committee to state their views, but not have a vote?—I have not considered it; I do not see an objection to something like a nominee on each side, or there might be two nominees on each side. There might be a slight infusion of local interest for the sake of giving information.

252. With a vote or without a vote?—I am not prepared to say which would be the best.

253. Chairman.] Would not all the information necessary for them to come to a decision be brought before them by the counsel for the bill?—It ought to be.

254. Viscount *Ebrington.*] Has the want of any parties possessing that local knowledge and interest in the bill been found inconvenient in the working of the committees of the House of Lords?—No.

255. Mr. *Loch.*] You extend your observations to unopposed bills as well as opposed bills?—Certainly not; I should be rather inclined to relax in favour of unopposed bills; I should say it would be better to refer them to a quorum of three.

256. Mr. *Freshfield.*] Would not the system of nominees be very inconvenient in cases in which there were many parties opposing the same bill?—It might.

257. Mr. *Loch.*] In unopposed bills would you have any local interests on the committee or not?—I do not think it is very material.

258. Mr. *Greene.*] In an unopposed bill, is it not the case, that unless there were persons possessing local information, there might be many things slurred over which persons who had not local information would not be able to detect?—Perhaps so; but unopposed bills might be left as they are, with the alteration I have mentioned, which is making three a quorum instead of five; an unopposed bill excites no interest, and it is difficult to get Members to come into the room to make a committee.

259. Mr. *Loch.*] You would not limit the number also?—Yes, I would, if the attendance of the Members could be enforced.

260. Mr. *Aglionby.*] Is it not the common practice now, especially with unopposed bills, to request Members to come into the room that their names may be taken down *pro forma*, without the slightest intention of their taking any part in the proceedings, but merely to form a quorum?—Yes.

261. And the business is then conducted in the presence only of the chairman?—Sometimes, not very often.

262. Is not that objectionable, and has given rise to slovenly proceedings?—I think not, the responsibility rests with the agent for the bill; if there were more Members in the room, I do not think that would improve it.

263. Mr. *Loch.*] Would you have a standing committee, to whom all unopposed bills should be referred?—I do not see any objection to that at all, that would be something like the way the unopposed bills are carried on in the House of Lords; the noble Lord in the chair, Lord Shaftesbury, takes all bills that are unopposed.

264. Viscount *Ebrington.*] The conduct of those bills in the House of Lords gives very general satisfaction?—Yes; I never heard the slightest objection to it.

265. Chairman.] It has been suggested by a former witness that a standing committee on unopposed bills should be appointed at the beginning of every session, similar to the committee of 42, which should divide into sub-committees to take these unopposed bills; do you see any objection to that plan?—None whatever.

266. Would

266. Would there not be general advantage attending it?—Yes, I think insuring a regular attendance; it has very seldom indeed happened that there has been any deficiency in the attendance of the committee of 42.

267. How many form a quorum?—Five; in unopposed cases it would be a great advantage if three were a quorum.

268. You would, in that case, require the attendance of experienced Members?—Certainly.

269. You would avoid this difficulty; it is the practice now to introduce a great number of clauses in unopposed bills in committee?—Unopposed and opposed; it is owing of course to the alterations which are required in the bill.

270. But in bills that are not opposed, those clauses might be introduced without any person knowing any thing about them, and without the public having been prepared for them by seeing them in the printed bill originally set out?—Certainly not; the public attention would be drawn to them by the amended bill or by the breviate of the amended bill.

271. But suppose a standing committee appointed to whom these bills should be all referred, a great check would be interposed to any abuse of that description?—I hardly admit it is an abuse; I do not recollect any case in which clauses have been improperly introduced in that way.

272. Mr. Aglionby.] As you multiply the number of these judicial tribunals, will you not render it more difficult to form a quorum in other committees?—Yes, you may, perhaps.

273. Would it, in your opinion, be better to have a standing committee to take these unopposed bills, or to have a salaried chairman, the same as in the House of Lords?—I have not considered that question.

274. Mr. Greene.] You of course must have had great intercourse with the agents for railroads and other public works?—Yes.

275. Do you not believe that persons possessing great Parliamentary influence are enabled to obtain larger prices for land intended to be taken than persons who do not possess such interest?—I have seen very little of the working of the Acts after they have been passed, therefore I do not consider I am competent to answer that question.

276. Mr. Hume.] Have you known negotiations in the course of the proceedings in both Houses of Parliament, by which parties having land in the line of a railroad have made terms highly beneficial to themselves?—I recollect a case in the House of Commons, but at this moment none in the House of Lords.

277. What is the nature of that case?—I have known several, at least more than one, in which very large prices have been obtained.

278. Have you not known Members of the House of Commons oppose and threaten to oppose bills until terms had been made with them for their property?—I have known some, but not many cases.

279. Does not the large number of Members who are allowed to attend committees, as the regulations now are, leave parties open to that opposition and that party influence?—Certainly.

280. Having a tribunal of five unconnected locally, or unconnected with the parties, is not that one of the advantages arising from that small reduced body?—It is, and that induced me at the outset of my examination to recommend that there should be a smaller number.

281. Will you state whether before the late change in the House of Lords it was considered by an agent almost hopeless to pass a private bill, if two or more peers were decidedly against it?—No, I cannot state that.

282. Have you not known, or have you not experienced, a difficulty, as the committees in the House of Lords were constituted, of passing private bills when any influential individuals opposed them?—No question there was a greater difficulty.

283. Has it occurred to you, where parties are dissatisfied with the decisions of a committee, how an appeal or second opinion could be obtained?—No.

284. You are aware that by the rules of the House an appeal may be made to the House?—Certainly; but that is almost a dead letter.

285. Has it occurred to you that any other mode, through any other committee, would answer that purpose?—No, it has not.

286. Have you any suggestion to offer which you think would facilitate the passing of bills, and also lessen the expense, in addition to what you have now stated?—Nothing occurs to me.

J. R. Hayward,  
Esq.

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287. What is your opinion as to the adding of clauses on the third reading or report?—It is sometimes necessary, but better avoided when it can be.

288. Would it not be better in all cases to re-commit the bill, by which parties would become acquainted then with what the clauses contain?—When once the report has been agreed to, and the bill ordered to be engrossed, you cannot re-commit it; it is too late to re-commit according to the rules and orders of the House.

289. Do you think that that rule and practice ought to continue?—That would interfere so much with the practice of the House, that it is more for the House itself to consider how far they choose to vary it.

290. In what way would it affect the practice?—It is a subject so entirely new that I cannot answer it satisfactorily.

291. What objection have you to the re-commitment of a private bill?—I have no objection to it, except the additional expense and delay.

292. What is the additional expense?—It depends on how many days it remains in the committee; it might induce parties who are opposing a bill to move re-commitment after re-commitment, in order to delay and harass.

293. Might not the committee have power to charge the parties so opposing, if the committee should think proper, with all expenses attending the re-committal?—Certainly.

294. Do you think, in your experience, it would be wise in all cases, where a re-commitment took place on the suggestion and at the requisition of parties coming in with clauses after the report had been made, that they should be subjected to the expense of the re-commitment?—I think they certainly should.

295. *Mr. Aglionby.*] Would that be just in cases where parties were not aware of clauses beneficial to them having been introduced in committee, until they saw the amended breviate?—Yes, they might in that case oppose the bill when it came to the House of Lords.

296. You would prefer leaving them to make the opposition in the House of Lords to re-committing it, and moving the re-committal in the House of Commons?—Yes.

297. *Mr. Freshfield.*] The amendment might be of a description that could not be made in the House of Lords?—It might by possibility.

298. *Mr. Aglionby.*] That would be an exception to your former case?—Yes; there may be some exceptions.

299. *Mr. Freshfield.*] As to the practice, you have spoken of altering the practice materially if a bill was to be re-committed after it had been ordered to be engrossed; the House has the means of doing that at present?—No, it has not.

300. Suppose by any inadvertence a bill has been reported without notice (such a transaction has occurred within the present session), then the House will order that the order for the engrossment of the bill should be rescinded, and you get your bill back into the state it ought to have been if the notice had been regularly given?—That is also under an order of the House, because there is an order of the House that if any proceedings are taken without the regular notice having been given, all such proceedings shall be void, and therefore it is under that order that they become void.

301. But the House now has the means of setting right that which is wrong, although the bill is engrossed?—By an order of its own.

302. The same means which exist of setting that right which is now wrong by an order of its own might provide for the re-commitment of a bill after its engrossment?—Certainly, the House might do any thing it pleased.

303. *Mr. Greene.*] They might commit the clauses only?—Yes.

304. Because it is common to commit a clause to a committee of the whole House on the third reading?—Yes, in money clauses it must be so.

305. *Mr. Hume.*] Have you any other suggestion to offer, by which you think the proceedings on private bills might be shortened as to time, and lessened as to expense?—I am not prepared at present to recommend any.

306. Can you state in what way in committees on railroads, or other strongly contested bills, the attendance of Members is secured on these committees?—It is secured by application to the individual Members who form the committee, through the medium of persons who are or pretend to be acquainted with them.

307. How is that done, by letter or personal application?—That I do not know; I have been frequently spoken to in this way, “Now you are agent for this bill; you must see what you can do in getting us Members to attend.” My answer

answer uniformly is, " I have nothing to do with that whatever ; I am professionally concerned to carry your bill through, as far as regards the bill itself ; but with application to Members, I have nothing to do whatever ; I consider that it is not the business of a Parliamentary agent to employ himself in that way."

*J. R. Hayward,  
Esq.*

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308. With whom does it rest, the solicitor who has the charge of the bill, or what party ?—In the case of a railway or other contested bill there is usually a deputation sent up to town ; the deputation and the solicitor employ what means either can make use of, or think proper, to interest Members in their behalf.

309. Can you state any of those means ?—I would rather not state any thing that is not within my own positive knowledge ; and, as I said before, I have entirely abstained from entering into that question, and I cannot give the Committee any particulars.

310. Mr. Aglionby.] I do not ask whether the means have been successful ; have you known it proposed by the solicitor or deputation to use such means as offering shares to Members to induce an attendance ?—I have heard of such a thing, certainly.

311. From the deputation ?—I have heard that spoken of.

312. By persons promoting the bill ?—I cannot recollect by whom ; I have heard that mentioned.

313. Chairman.] You do not know it of your own knowledge ?—No.

314. Mr. Hume.] Have you any doubt that such means have been resorted to as offering shares to Members to interest them in passing measures of that kind ?—I have heard it said from quarters on which I place reliance, but I dislike believing it.

315. Mr. Aglionby.] You are not asked whether it is accepted, but whether it is considered by the promoters as one means of inducing Members to attend ?—I believe so ; I have no reason to believe it myself from any thing that has come to my personal knowledge ; the people who canvass pretend to have influence with Members ; whether they have or not, it is not for me to say : a person introduced himself to me one day, whose name I did not know, and he held a list of Members in his hand ; he had crosses against the names of several whom he professed to be able to influence ; he said it might be useful to me in some of the bills in which I was engaged if his services were retained.

316. Was there any sum mentioned by him to be paid for his services ?—There was not ; I cut the matter rather short by ringing the bell and having him shown out.

317. Was he a professional man ?—No ; I do not believe there is a professional man that would do such a thing.

*Veneris, 6<sup>o</sup> die Julii, 1838.*

MEMBERS PRESENT :

Mr. Greene.  
Mr. Loch.

Lord Viscount Ebrington.  
Mr. Hume.

MR. C. S. LEFEVRE, IN THE CHAIR.

*Henry S. Smith, Esq., called in ; and Examined.*

318. Chairman.] I BELIEVE you are a committee clerk of the House of Lords ?—I am principal assistant committee clerk ; Mr. Rose is the committee clerk ; he chiefly attends select committees, and I attend committees on private bills.

*H. S. Smith, Esq.*

6 July 1838.

319. You attend the Private Bill Committees ?—Yes ; committees, of which the Earl of Shaftesbury is chairman ; I do not attend committees on opposed bills ; I also attend the Standing Order Committee.

320. Can you give any information to this Committee upon the new plan lately adopted in the House of Lords, in appointing committees on opposed bills ?—I have not attended those committees myself, but I occasionally go into the committee-rooms to see if the committee clerks want assistance upon any point.

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*H. S. Smith, Esq.*

6 July 1838.

321. Can you state to us the constitution of those committees?—The committee is chosen by a committee of five Lords, named by the House; this is the first session of the new plan. The Duke of Richmond, the Earl of Devon, the Earl of Shaftesbury, the Viscount Falkland and the Lord Redesdale form the committee to choose the Lords for those opposed bills; there is a Standing Order which insists upon all railway bills being referred to the Standing Order Committee; but other bills, unless opposed, do not go before that committee. After the bill has been before that committee, and a report made, then is the time for presenting a petition against the merits of the bill. When such petition is presented, it is ordered to lie on the table, the bill is read a second time and committed, without a day being named; it is then referred to this committee of five to choose the Lords to form the committee on the opposed bill.

322. Lord *Ebrington.*] Of how many is the Committee upon Standing Orders composed?—Of 40 Lords, besides the Earl of Shaftesbury as chairman. The committee of five above alluded to meet and inspect the Bill, and ascertain the nature of it, and what part of the country is affected by it; they then refer to the roll of peers, and, as much as they can, endeavour to choose Lords not connected either with that part of the country or the bill, in any way, but to the best of their belief unconnected with it; they then select five Lords and report their names to the House; I should state that they first ask the peers if they are willing to serve: Lord Shaftesbury generally takes upon himself that duty; and if they consent to do so the report is made to the House; when that is agreed to by the House, a day is named for the committee to meet, the petition is referred, and they meet accordingly.

323. *Chairman.*] Is the committee, when formed, obliged to sit from day to day?—Yes, under the Standing Order; they can only adjourn over Saturday and Sunday, and must sit from 11 to 4.

324. Is every Member of the committee obliged to attend?—Yes, during the whole of the proceedings.

325. Supposing a Member was to absent himself?—They cannot go on without reporting it to the House, nor sit again without the leave of the House.

326. Supposing one Member of the committee absent, the committee must in that case give up the inquiry for the day?—Yes, adjourn and report it to the House: a case occurred shortly after proceeding upon the new plan, in which one of the committee, from domestic affliction, could not continue his attendance; the committee could not proceed; the matter was reported to the House, and the House gave them leave to proceed with four Lords; they had taken one day's proceedings, and the House did not put any other Lord on the committee.

327. Do you remember what the old system of private bills was in the House of Lords?—Yes; upon a petition being presented praying to be heard by counsel against a bill, the bill was committed to certain Lords named, and an order made, for adding all Lords who had been present that session, to the committee, with power to appoint their own chairman.

328. As many Lords attended that committee as chose to do so?—Yes.

329. Was that mode of choosing committees subject to abuse?—I am not aware that it was.

330. Were any complaints made of the conduct of those open committees on private bills?—I am not aware of it; they did not make complaints to me; I do not know it.

331. You say you have not attended committees yourself on private bills?—I used to attend those opposed committees till 1835; I attended Lord Shaftesbury's committees as well as those; we had then a very small establishment; but in 1835 the business of committees increased so rapidly, that additional clerks were appointed, and I was directed not to attend the opposed committees.

332. You cannot speak to the working of the open committees?—Yes, prior to 1835, I can.

333. Just state to the Committee whether the working of those open committees was satisfactory or not?—I think it was satisfactory; I am not aware of complaints having been made; certainly none to me. I must except one case, in which there was a discussion in the House, namely, the Great Western Railway Bill.

334. Was it that discussion in the House which led to the change which has been made in forming committees?—No, I think not; this change was made last session; a select committee sat upon private business, and they agreed to this change in the system.

335. Lord

335. Lord *Ebrington*.] Was not the course taken by the committee in the case of the Great Western, brought forward as an argument in favour of the change that subsequently took place?—I do not know; I did not attend that select committee; Mr. Rose attended that select committee.

*H. S. Smith, Esq.*

6 July 1838.

336. Can you state any thing as to the feeling of the public with respect to the operation of the new mode of forming committees in that House?—I have heard it very generally approved of; I have heard agents say they thought it an admirable plan; and I have heard some peers say they thought it worked very well; some who have been on the committees.

337. *Chairman.*] You cannot say, from having watched the proceedings of the old committees and the new, that the new is superior?—I think it is superior in this respect: it secures this advantage, namely, that the whole of the committee are thoroughly acquainted with the merits of the bill, as they must attend during the whole of the proceedings; that was not the case, and could not be, in the open committees, where all peers present that session might attend; certain Lords attended constantly, the rest did not.

338. Lord *Ebrington*.] You think, therefore, the present mode leads to a more thorough investigation, and to a more just decision upon the whole, on the bill, than the old one did?—I think the committee, as a committee, is more thoroughly acquainted with the merits of the subject; they cannot be absent at all; they must attend the whole time.

339. And they are likely to come to a wiser and juster conclusion?—As a whole committee, upon better and fuller information, I should say, certainly.

340. Mr. *Greene*.] Your only means of knowing whether a bill is opposed or not, is from a petition being presented praying to be heard by counsel?—Yes.

341. In the House of Lords, in what stage is that presented?—In the case of a railway bill it ought to be before the second reading; then it is ordered to lie on the table; the Bill is read a second time and committed, and it is referred to the committee of five to select and propose the Lords to form the committee on the bill. In other bills the petition has generally been presented this session before the second reading; the bill has been then read a second time, and referred to the Standing Order Committee. Their report is made, the bill committed, and it is then referred to the committee of five to propose the Lords for the committee on the bill. By the present arrangement all opposed bills, so far as Standing Orders are concerned, are brought before the same committee. Before this alteration the committees on opposed bills inquired into the compliance with the Standing Orders, as well as into the merits of the bill. This was disapproved of, as there were inconsistent decisions respecting the Standing Orders.

342. In point of fact your committee upon the bill is also a Committee upon the Standing Orders?—In all unopposed bills Lord Shaftesbury takes the Standing Orders, as well as the merits of the bill, that is the proof of the allegations of the bill.

343. In the case of railway bills it is different?—Yes, after the first reading a railway bill must go to the Standing Order Committee.

344. In the other cases it only goes into the question of the Standing Orders after the second reading?—If a petition is presented against the bill, the bill is referred to the Standing Order Committee; it prevents the matter of Standing Orders coming before the Select Committee, who may not be accustomed to the Standing Orders, and it keeps the decisions on Standing Orders uniform; Lord Shaftesbury is the chairman of the Standing Order Committee, and every bill therefore, so far as the Standing Orders are concerned, goes before him; if it is unopposed, it goes as a matter of course; if it is opposed, it is referred to the Standing Order Committee.

345. Supposing a petition is presented against a bill prior to the second reading, and supposing it not a railway bill, would it then go in the first instance to Lord Shaftesbury's committee?—According to the practice this session, the bill would be read a second time, and then be referred to the Standing Order Committee.

346. After having been before the Standing Order Committee, and their report having been made upon it, it would then be submitted to the consideration of the five peers to nominate the committee to whom the House should afterwards refer the bill?—Yes, the Standing Order Committee make their report, the bill is committed, but no day named; then it is referred to the committee of five to choose the Lords for the opposed committee, and upon their report being agreed to, a day is fixed for the committee to meet, and the petition is referred.

*H. S. Smith, Esq.*

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347. Then is there any period after which you do not allow a petition to be presented praying to be heard by counsel?—If it is not presented before the bill is read a second time and committed to Lord Shaftesbury's committee, a question might arise whether it was not too late to be entertained; but if it was a strong case, the House might perhaps discharge the order committing the bill to that committee, and refer it to the Standing Order Committee for their report, and, after that, refer it to the select committee.

348. *Chairman.*] Do I understand you that no bill is referred to the Standing Order Committee except opposed bills?—Railway bills are referred as a matter of course under the Standing Order; but every other bill is referred to the Standing Order Committee when a petition, praying to be heard against the bill, is presented.

349. If a petition is not presented, Lord Shaftesbury takes care that every thing is done in compliance with the Standing Orders?—Yes.

350. In the case of railway bills, they go as a matter of course to the Standing Order Committee, whether petitioned against or not?—Yes, that is provided for by the Standing Order; this is the Standing Order, "That previous to the second reading of any private bill relating to railways, in the House, such bill shall be referred to the Standing Order Committee."

351. *Mr. Greene.*] Does it ever occur that in the progress of a bill in committee before Lord Shaftesbury, (of course I mean an unopposed private bill,) parties petition the House against clauses that may have been introduced in the committee?—I do not recollect such a case.

352. I am supposing the committee upon the bill, and that in the committee upon a bill which is unopposed, certain clauses are introduced by the promoters of the bill, which other parties feel themselves aggrieved by; of course it would be competent to those parties to petition to be heard against such clauses so introduced; do you recollect such a case as that?—No; I have some recollection of a petition being presented against clauses in a bill when the bill was before Lord Shaftesbury's Committee, but which clauses had been introduced as amendments in the House of Commons.

353. What, under those circumstances, was done?—The committee considered that there were strong grounds in the petition, and the petition was entertained.

354. Were those parties heard by themselves, their counsel or agents before that committee?—As far as I recollect, they were.

355. In that case they would be heard before the ordinary unopposed Private Bill Committee, it would not be referred to the Select Committee?—No such case, I believe, has happened since the new system has been adopted; I have some recollection of a case where, in the progress of a bill in committee, a petition has been referred by the House to the committee; an order was made to add all Lords, and the bill was then proceeded with. I think Lord Shaftesbury presided, as some proceedings had already taken place on the bill in committee; but an order might have been had for appointing their own chairman.

*Edward Johnson, Esq., called in; and Examined.*

*E. Johnson, Esq.*

356. *Chairman.*] WHAT situation do you hold in the Private Bill Office?—Principal clerk in the Private Bill Office.

357. Will you have the goodness to refer to the Standing Orders, page 32, which relate to the business of the Private Bill Office?—Yes, I have it here.

358. There is a Standing Order, No. 6, "That between the first and second readings, every such bill shall, according to its priority, be examined, with all practicable despatch, by the clerks of the Private Bill Office, as to its conformity with the rules and Standing Orders of the House, and the breviate thereof be compared with such bill; and the examining clerk shall at the foot of such breviate state that the bill is or is not prepared in due form;" has that been regularly done in your office?—Yes, it is strictly done.

359. Take Standing Order, No. 7, "That the points to which the duty of the examining clerks shall extend be the following, viz. that the title and provisions of the bill are comprehended within the allegations of the petition and within the order of leave, and that bills for confirming letters patent have a copy of the letters patent annexed;" is that done in your office now?—I am very glad to have this opportunity of explaining to the Committee how far this is complied with, because I should be sorry to omit any thing required of me; but at the same time the committee would not require me to do what I cannot do effectually; this is not in the strict letter carried into

into effect. The examination of the bill divides itself into two parts; first, with regard to seeing that all the Standing Order clauses are inserted, and also with respect to the order of leave being examined with the title of the bill; that is done, and the bill is carefully read over every clause, and it is so far carried into effect that I look at the class of the bill, and if, for instance, it is a bill for lighting any town with gas, I see that the ordinary clauses are inserted which are usually inserted in bills of that description, and so of any other description of bill, and if I found any thing for a different object, I should certainly take notice of it; but with respect to my taking the bill and the petition, and looking at all the clauses of the bill, and judging whether they are comprehended within the allegations of the petition, I have always thought I was not competent to do it, inasmuch as I think it should be done by some legal person, and from the time of this order being made, which was at the first establishment of the Private Bill Office, I have had occasional conversations with the late Mr. Dorington upon it, and also with the present, and I have always stated the same to them, and they have never pointed out any way in which we could go further than we do at present.

360. There is another Standing Order, No. 8, which is, "That the examining clerk do moreover compare the breviate with the bill, and see that the subject-matter of each clause or set of clauses is sufficiently pointed out;" is that done at your office?—It has been done from the first. There were some breviates made out which I submitted to the then Speaker, Mr. Abbott; he signed them, and they were then made out according to that form.

361. And it is only the Standing Order, No. 7, you fail to comply with?—Yes, it is the only one upon which some observation might be made as to our looking at those clauses and seeing how they apply to the allegations in the petition.

362. That you think requires the experience of a professional man?—If it is to be carried to the extent I have stated.

363. *Mr. Greene.*] Prior to the present session of Parliament, what became of the breviates; the old breviates I have seen were certainly very meagre concerns?—Yes, they were; they have deviated from the original plan; the Speaker required that they should contain the principal clauses of the bill, but not made too lengthy, and divided into classes of clauses, and when the bill was read a second time the breviate was taken into the Engrossing Office, and afterwards sent to the House of Lords.

364. *Chairman.*] Are there any of those regulations made last year, or corrected last year, that you think require amendment?—I do not recollect any, as far as regards the Private Bill Office, except the one I suggested to the Standing Order Committee; respecting Notices it may be a question with the Committee whether this Standing Order, No. 8, is necessary to be kept on the Standing Orders if the breviates are to be made as they have been this session by a legal person.

365. *Mr. Greene.*] Do you see any advantage whatever now that the breviate is presented to the House by an officer appointed for that purpose in having a breviate taken as directed in the Standing Orders?—I think it would be useless.

*Charles Parker, Esq., called in; and Examined.*

*C. Parker, Esq.*

366. *Chairman.*] WHAT is your occupation?—A solicitor.

367. Have you been much concerned in private bills?—For the last 12 or 14 years I have been more or less engaged in private bills.

368. Have you in the course of that time been engaged in any private bills that have been much opposed?—Yes, I have.

369. Your attention has, of course, been drawn to the conduct of private business in the House of Commons?—Yes, it has.

370. You are aware of the alterations made last session in the Standing Orders?—Yes.

371. And also the appointment of the committee on petitions?—Yes.

372. Are you satisfied with the working of that committee?—Since the appointment of that committee I have only had one bill before the House, and I have no reason to complain, so far as I saw, of the way in which the business was conducted.

373. After the bill has arrived at its first reading in the House of Commons, it is necessary to prepare a breviate of it?—Yes, by the late practice.

374. Have you been concerned in any bill before the officer intrusted with preparing the breviate?—No, I have not.

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375. Your

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375. Your experience relates entirely to bills brought into Parliament in preceding sessions?—Yes.

376. The London and Birmingham was a railway in which you were engaged?—Yes.

377. For how many days was that before the committee?—Speaking from recollection, I think it was 21 days.

378. Of how many Members did that committee consist?—It varied very much; I think when the division took place on the preamble, there were nearly 30 Members present, and probably from 10 to 12 generally attended, and sometimes more; it was fully attended throughout.

379. However there were a great many more who voted upon the preamble than those who had heard the evidence?—Yes; I will not say that all those who voted upon the preamble might not have been for some time or other in the room during the evidence; I do not recollect any that had not heard some portion of the evidence, but there was a larger attendance on that day than on any other.

380. Did you think it necessary to solicit the attendance of any Members, on that occasion, to vote?—Yes, I think I did, but that did not fall very much upon me; I had more to attend to the counsel; I was joined with two colleagues upon that occasion, and upon one of those that portion of the business more particularly devolved than upon me; I was constantly in the committee-room.

381. You are quite aware, I presume, that canvassing Members is constantly resorted to to bring them down to vote upon private bills?—Certainly.

382. Is the expense attending a bill in Parliament much increased by the constitution of the Parliamentary committees?—It is rather difficult to answer that question; but there is a great deal of expense arises from the uncertainty of the proceeding, and the necessity of being prepared with evidence upon points which, after all, may never arise.

383. It is the practice of Members themselves to ask questions of witnesses?—Yes, it is.

384. A Member who has not been in the room during the whole time of the examination asks questions upon matters that have been already in evidence?—Yes; I have often observed that, and a great deal of time is lost in consequence.

385. So that when a committee fluctuates, there is a great repetition of evidence?—Yes.

386. That would create delay and expense?—It would cause some delay, but I do not know whether that delay would have any material effect upon the proceedings of the committee; but it occasions some delay, and great vexation to the committee.

387. Lord Viscount *Ebrington.*] Would that not lead to an increase in the expense?—Every hour's delay leads to an increase of expense; I cannot say that that circumstance has tended very materially to increase the expense.

388. Does not the loading the minutes with irrelevant matter tend to increase the expense?—Yes, to a certain extent, it does.

389. *Chairman.*] Do you consider the present constitution of the committees of the House of Commons on private bills satisfactory?—I cannot say that I do.

390. Will you state your objection?—The system of canvassing which has been pursued is extremely objectionable, and entails upon those professionally concerned a great deal of responsibility and duty, which, after all, can hardly be considered to come within their province.

391. Lord Viscount *Ebrington.*] Is this an objection of your own, merely, or an objection you have heard stated by other parties?—It is an objection which has been a matter of notoriety as long as I have had any thing to do with Parliamentary business; it is a matter of constant observation and constant discussion.

392. An objection generally felt by those who have occasion to come before committees of the House of Commons?—Yes; it is more universally observed upon than any thing else.

393. *Chairman.*] What plan would you suggest for remedying the evil complained of?—I have not had my attention turned recently sufficiently to it, and I feel it is a subject of a great deal of difficulty; my own prepossessions, as a lawyer, are in favour of any thing that approaches the trial by jury, for though there is a degree of uncertainty attending it, yet, in the long run, I think justice is obtained.

394. Should you be satisfied if the committee was composed of a limited number of Members whose attendance was always secured, and who were unconnected with the bill?—There can be no question that that would be a great desideratum; the only

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only possible objection that occurs to me upon that is, the having Members on the committee who are not men of business or sufficiently acquainted with the business of the House, that may, in some cases, occasion a good deal more of delay in the proceedings than there would otherwise be.

395. Mr. Greene.] If you had a competent chairman placed over the committee, would not that, to a great degree, remedy that difficulty?—Certainly.

396. There are many men, I apprehend, who, under the guidance of a good chairman, would work at the thing exceedingly well?—I should apprehend a great number.

397. Who only want an experienced chairman to direct them in the practice of the House?—Yes, that would remedy a great deal of the inconvenience I have mentioned.

398. Lord Viscount Ebrington.] Are you acquainted with the manner in which committees are formed upon private bills in the House of Lords?—I am aware of the Standing Orders and the mode just detailed by Mr. Smith, but I have not had an opportunity of observing how it has worked, personally.

399. Does it occur to you that the adoption of a similar mode in the House of Commons of forming a committee, for the selection of other committees, would be attended with good effects?—I am not prepared to propose a better one; no better occurs to me.

400. Do you think that that mode would be better than the one by which committees are now formed?—I should certainly like to see it tried.

401. Have you heard any expressions of opinion as to the manner in which the House of Lords' committee have worked since their formation upon the new plan?—I can hardly say I have; I believe I did hear an observation made upon one committee which was sitting, that a great deal of time had been wasted, from the circumstance I have just stated, that is, in consequence of the Peers not being accustomed to business; that the committee would have lasted a shorter time if they had been better acquainted with the practice of Parliament.

402. Does that refer to one of the committees in the present session?—Yes, under the new orders; it was an observation made to me by one of the parties. I did not hear any dissatisfaction expressed at the result.

403. Are you aware whether canvassing was extensively resorted to in the House of Lords, as well as in the House of Commons, before the adoption of the new plan of forming committees in the House of Lords?—Yes, it was done in a different way; but certainly in the bill I have mentioned (the London and Birmingham), canvassing among the peers was resorted to to a very considerable extent indeed, in my own knowledge.

404. Do you know whether that has been got rid of by the new arrangement?—I apprehend canvassing is no longer of any use.

405. Chairman.] Have you any doubt of the extent to which it prevailed in the House of Lords under the former system?—I have no doubt of it.

406. To as great an extent as it prevailed in the House of Commons?—Yes, I think so; there was certainly a different way of doing it, but it amounted to the same thing in the end; it was not so open.

407. Lord Viscount Ebrington.] Do you think the result of the canvassing has, in any cases, led to a decision upon private bills contrary to equity and justice?—I have a little feeling about the London and Birmingham, but I certainly think that was a case in point; in that case we came to the House of Lords, who voted one year that the preamble had not been proved; the next year we came with precisely the same bill, precisely the same line, and every circumstance the same, and it was passed without opposition.

408. Do you think that could have possibly occurred if the bill had gone before a committee formed upon the new plan?—I would not say it was impossible, but I should think it very improbable.

409. Mr. Greene.] What was the division in the House of Commons upon the preamble of the bill in the first session?—I forget the numbers at this moment; it was about three to one.

410. Was it about the same proportion the second session?—There was no division; we were scarcely opposed in the second session.

411. Lord Viscount Ebrington.] Do you know the division in the House of Lords?—I think it was nineteen to twelve in the first session.

412. What was the second division?—There was no opposition whatever.

413. Chairman.] Have you any other suggestion to make to the Committee with regard to the private business of the House?—No, I have not.

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414. Mr. Greene.] Can you give the Committee any information as to the expenses of an unopposed railway bill?—Yes; I passed a bill two sessions since, which was entirely unopposed, and the expenses amounted altogether to rather more than 2,000*l.*; that included every expense, the engineering, and every thing up to the period of the Act receiving the Royal Assent.

415. I rather wished to refer you to the expenses incurred before Parliament; by expenses, I mean the fees of the officers of the House, the agent's expenses, and the attendance of witnesses?—I should not think there could have been 100*l.* of expense, or 150*l.*, at the outside, out of that sum which was not expenses of the description which you have mentioned; the only expense besides, was the advertising and printing, and some small travelling expenses, that did not strictly come within the description of Parliamentary expenses.

416. In that 2,000*l.*, do you comprehend the applications to owners?—Yes.

417. Any part for the survey being taken?—The whole survey of the line I conceive to be strictly a Parliamentary expense; it is required by the Standing Orders; parties could not proceed without it.

418. Lord Viscount Ebrington.] What was the extent of that railway?—Not quite seven miles.

419. Chairman.] That included the expense of the survey?—Yes.

420. The total expense from the time the bill started?—Yes.

421. What proportion of that expense belonged to the survey?—I am speaking from recollection; but, as far as I remember, the survey was in that case about 600*l.*; I think so; but if the Committee wish to have those details more accurately, I can furnish them.

[*The Witness delivered in the following Paper.*]

	£. s. d.
Expenses prior to the introduction of the Bill into the House of Commons, including the Survey, Applications to Landowners, &c.	1,106 7 6
Parliamentary Agent, including all the Fees of both Houses	783 2 11
Solicitor's Bill, Witnesses, &c.	811 16 10
	<hr/> £. 2,701 7 3

422. Mr. Greene.] You think the case to which you have just adverted may be cited as an average case?—There was as little expense incurred as possible, in that case, in every way. There is a great disproportion in the expenses of these bills; arising from the length of the Act being nearly the same in every case; the Act for this little railway was nearly as long as that for the London and Birmingham; the copying and engrossing fees are all affected by this, which, consequently, in a small undertaking forms no inconsiderable item in the Parliamentary expenses.

423. Lord Viscount Ebrington.] Are we to understand that all the expenses, except those of the survey, would be nearly as great upon this bill as upon bills embracing a much wider extent of country?—I am speaking merely of the Act itself; there is very little difference between that and a line of 100 miles; there may be a few more special clauses put in one than in the other, but in that consists the only difference.

424. Chairman.] Might not much of these expenses be obviated if a general railway Act was passed, somewhat similar to the General Turnpike Act, so that, when a particular railway bill was brought forward, it would only contain the special clauses applicable to the case?—That might obviate a great deal of that expense.

425. With reference to other private bills, do you think it possible to divide them into general classes, having general Acts applicable to each class?—Bills for so many more objects come in than formerly, that there might be some difficulty about it.

426. There might be one or two classes of bills for which a general Act might be passed, which would lessen the expenses in those cases?—Railways and canals are more particularly the Acts I refer to; in these the classes are very similar.

427. Mr. Greene.] Have you any experience of an unopposed private bill not being a railway bill?—Yes, estate bills; I cannot say I have of any other; I have passed two or three estate bills.

428. The expenses there depend very much upon the nature of the interests, and it would be impossible to establish any thing like an average?—Yes, I have passed an estate bill for little more than 400*l.*, including every expense.

Robert

*Robert Chalmers, Esq., Examined.*

429. *Chairman.*] HOW long have you been a committee clerk of the House of Commons?—As a committee clerk about 15 or 16 years; but I was employed in the Committee Clerks' Office, a great many years before, in attending committees for the committee clerks, though not solely attached to the Office.

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430. You are, no doubt, perfectly conversant with all the objections to Parliamentary committees as at present constituted?—I believe I am.

431. Can you suggest any mode by which their defects can be remedied?—I think in opposed committees a very important defect is the great number of which the committee is at present composed; a great number of the Members hardly actually know the bill is sent to them, and never give themselves any trouble about it; the great attraction is local interest which leads Members to attend, and I have found generally that the best attendants are those locally connected with the bill under consideration. Another thing is, though we have nothing to do with canvassing in committees, we see during the examination of witnesses and the speeches of counsel, there is a very scanty attendance of Members; but when there is a chance of the committee coming to decide upon the preamble, we see an amazing influx of Members who have never before given themselves any concern in the matter; that is a practice which I think ought not to be continued if there is an opportunity of changing it. Another thing is, that upon unopposed bills, the attendance there, in fact, is really very bad; an unopposed bill is generally attended by only one Member; the whole proceeding is almost formal; the agent having previously submitted the bill to the chairman of committees in the other House, and his counsel, he generally tells the Member that every thing is right, that he need not give himself the trouble of looking into the clauses; he need only sign the bill and put his initials to the clauses, and in the course of five minutes a bill of considerable length is disposed of in that way, though the House has entrusted it to the committee to look narrowly into the matter.

432. A great many clauses are brought up before committees upon unopposed bills?—Yes, there are.

433. Are those clauses passed without being read?—Yes, without being read or even the marginal notes looked at.

434. You think that an impartial committee should be appointed to sit equally upon unopposed bills and opposed bills?—I think so; I think the committee on petitions might undertake the unopposed bills, because that duty would devolve upon them at a different period of the session from their own duties; I do not know whether it would be considered too onerous, but if divided into sections, and the quorum reduced to three, they might get through it very well: with respect to opposed bills, certainly, the canvassing, which one hears of, is very objectionable, and the attendance of Members is extremely fluctuating; unlike an election committee they come and go at all times of the sitting. It is now a Standing Order, introduced lately, that the Report to the House should be accompanied by the Minutes of Proceedings, showing the names of the Members who have attended on each day, but that is no indication that they have attended during any considerable time of the sitting; perhaps they merely come in; their names are taken down, and then they disappear.

435. *Lord Ebrington.*] Has that system had any check upon Members voting upon private bills?—No, I do not think it has; I think it may have produced a desire to attend better, because Members wish to have it shown to their constituents that they have attended, and their names being reported, that would appear.

436. *Chairman.*] Do you think that they actually attend, or merely to have their names taken down?—I think merely to have their names taken down.

437. Do you think that it would be better to have a compulsory attendance?—Yes, I think it would, some thing like that enforced in election committees, and with numbers very much more limited than it is now; it is 120 now.

438. Do you think that the Members representing the place to which the bill relates should be included in the committee?—I think that Members locally connected possess a great deal more knowledge of the matter under consideration than the other Members, and their presence is very useful in the committee; the mover of the second reading is generally the chairman of the committee; but I have certainly never found that the arguments of counsel or the evidence have shaken his opinion.

439. *Lord Ebrington.*] Do you think that the mover of the second reading ought to be the chairman?—I do not think he ought; he takes the chair from old

*R. Chalmers, Esq.* custom, as a matter of course ; but that is a practice which ought to be discontinued, as he may generally be deemed an influenced person.

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440. *Chairman.*] If the person who has the conduct of the bill is a little influenced by the evidence, other Members who attend are not to be supposed to be much influenced ?—I think they cannot be considered in the light of impartial judges, as their attendance is procured by means of canvassing, though the proceeding they are engaged in is partly of a judicial character.

441. Would it not be fair that the whole of the tribunal should be strictly impartial ?—No doubt ; but what one has heard of the practice which takes place in the House of Lords, one sees a great deal of difficulty in discovering how that could be applied to a representative body like the House of Commons : generally, official men never appear at private committees, with very few exceptions, unless the place they represent is concerned ; but if a selection were made, I think many official men should not be excused in fairness to the other Members of the House, but if they were selected to serve on a bill like the Great Western Railway, which sat 57 days, it would be very inconvenient for public business.

442. *Chairman.*] Do you think they ought to be excused ?—I think not ; except those official persons who swear off on election ballots.

443. You think that all those who are liable to serve upon election committees should serve upon private bills ?—Yes ; certainly.

444. Do you see any objection to their being selected in the same manner as the selection is made in the House of Lords by a committee of five, to be chosen in the House ?—I think that the five Members who had that office would have a very invidious and unpleasant duty to discharge. It is now pretty well known beforehand that a bill coming on is likely to be warmly contested, and in that case a great many persons would be desirous of being left out of such a committee.

445. *Lord Ebrington.*] Do you think that the committee would have any difficulty in selecting five Members of the House of Commons who, if to them was delegated the responsibility of adjudicating upon the merits of the bill, would perform the duty with fidelity ?—I think it is most desirable, and I think also under proper precautions it might be carried into execution ; but in the selection of those five Members the House would no doubt be very careful ; for it would be committing to them a very great power.

446. That power would be committed under the control of public opinion out-of-doors, and, of course, subject to the power of the House animadverting severely upon their conduct in any abuse of their trust ?—It certainly would ; but, judging of the practice hitherto upon private bills, it might be attended with the inconvenience of constant solicitation from Members to be excused from serving ; I think they would be subject to it in many cases, when it was known that violently contested bills were coming on, which would make it an unpleasant duty for them to discharge ; but, in the case put by your Lordship, I think if it could be effected it is most desirable, as it would remove most of the objections that are now made to the constitution of our private bill committees.

447. Do you not think when that duty was cast upon them of selection, and when, from the smallness of their numbers, the responsibility of each Member was increased, that that duty would, under the check of public opinion, be performed honestly and faithfully ?—I think, on consideration, it certainly would ; but one has been so long accustomed to see the attendance upon committees brought about by local interest, it would effect such a complete change in the constitution of private bill committees, that one's mind is hardly prepared to see whether the change can be effected in practice, though I am quite sure if selection and constant attendance similar to what takes place upon election committees could be safely introduced, it would be attended with most desirable consequences.

448. Do you not think that the canvass would be got rid of altogether when the attendance, being compulsory, no canvass would be necessary or could be adopted to secure it, and, consequently, any thing in the nature of a canvass could only be for the purpose of obtaining a Member's vote on the one side or the other in the case ?—There would be quite an end of canvass if you adopted the plan of selection ; there is no doubt of that.

449. If there was an end of canvass, would not it be getting rid of the greatest evil of the present system ?—I think it would ; indeed I entirely concur in what your Lordship has thrown out ; it would be getting rid of an objection which the public out-of-doors are constantly dwelling upon, and the impropriety of which it is impossible to deny.

450. And

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450. And who feel it in some instances to have been very prejudicial, and unjustly prejudicial to their interests?—I have no doubt of it.

450.\* Has the change in the appointment of select committees, the diminishing their numbers, been attended with good consequences?—It certainly has; formerly select committees were as numerous as forty or fifty; the mover of the committee did not always, as he does now, nominate them on the day subsequent to the appointment of the committee, but it was found that the more numerous they were, the worse was their attendance; and I have sometimes known the greatest difficulty in getting a quorum of five out of forty Members; now, it never exceeds fifteen, and it is generally understood that the mover of the committee ascertains beforehand that the Members he nominates are likely to attend, and I think the attendance has been better since the number has been diminished.

451. Do you not think that the attendance was in the inverse ratio to the number of the committee?—Clearly so; the unopposed bills go to their proper list, and have as numerous a committee as an opposed bill; but I have very frequently seen the proceedings carried through with only one Member present.

452. Have you seen any inconvenience arise from the number of the sub-committee being limited to seven?—Not at all; the improvement there is wonderful; any one who can remember the practice before the former committees, when the agents fixed the same hour in the same room, where the business was hurried through amidst the greatest confusion, and observes the difference now, when each division of the sub-committee meets and goes through their business regularly and deliberately, and disposes of one case before another is taken up, must see the amazing improvement effected in the preliminary stage; and that gives one hopes that, if the improvement was carried further, though the duty is much more onerous in the committees upon bills, that the whole inquiry might be carried on in a proper manner.

453. Do you believe that any canvassing takes place with respect to the attendance upon those sub-committees upon bills?—I do not, indeed.

454. Do you believe that the public out-of-doors generally consider the decisions of those committees to have been guided by the merits of the cases that have come before them?—Yes, I do; of course the party who does not succeed is not well satisfied; but I am quite sure that the public out-of-doors are perfectly satisfied with their decisions: there is a check wanting, which it is admitted does not take place; I think it should be established; at present it rests very much upon the agent, whether he really may not possibly introduce provisions in the bill not comprehended within the allegations of the petition; there is no check whatever now to prevent that taking place.

455. *Chairman.*] Is it not desirable that the gentleman who draws the breviate should perform that duty?—Yes, it is, and it is a duty that takes place previous to that which he now executes, as the drawer of the breviates; and if the committee on petitions were appointed to decide upon the cases of unopposed bills, the breviates he draws would be of great service to them in looking over and deciding on these bills; I do not agree with the evidence of the witnesses on the former day, that those breviates are useless; I think, on the contrary, they are very useful, and that many members look at those breviates now, who never waded through a mass of print 40 or 50 or 60 pages.

456. Have you any other observation to make upon the conduct of private bills in the House?—I am not aware that I have.

*George Pritt, Esq., called in; and Examined.*

457. *Chairman.*] I BELIEVE you are a Parliamentary agent?—I am.

*George Pritt, Esq.*

458. Have you been engaged in the conduct of any private bills this session?—In the present session not so many as in previous sessions; the business has been much less, though I have had my fair proportion.

459. Have you had some bills which have passed this House and gone to the House of Lords?—Yes.

460. And been before committees of both Houses?—Yes.

461. Have you any observations to make upon the progress of a bill in the earlier stages; do you think any amendment is necessary in the earlier proceedings in the House; first of all commence with your appearance before the committee on the petition?—No, I think that the system of the committee of 42 has operated very beneficially to parties promoting bills; when the committee have had a little more practice, and the decisions are uniform, parties will know what they have to depend

George Pritt, Esq. depend upon, and whether they have or not complied with the Standing Orders; and great satisfaction will arise from that; it has already done so.

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462. What is your opinion of preparing breviates?—I am hardly able to express an opinion upon that; it depends upon whether the Members read the breviates; I should think that it is an unnecessary expense to the clients; but I cannot express an opinion upon that.

463. At present petitions against the clauses of a bill, referred to the committee upon the bill, are referred at any time while the bill is in committee, and after the bill is read a second time?—Yes, that is one point which I think requires reform; at present parties give notice of the sitting of the committee, and on the night preceding the sitting of the committee, they hear for the first time of an opposition to their bill. They go down to the committee often without having had an opportunity of seeing the petition upon which the bill is to be contested; they have no opportunity of adjourning to call up evidence from the country, they merely coming with *prima facie* testimony, that being all which the committee on an unopposed bill would require, and it being in the breast of the committee whether they will adjourn.

464. Do you think any practical inconvenience would arise, if the parties opposing the bill were required to present their petition before the second reading?—I think that would be too early; supposing the preparing of the breviate to continue the time between the introduction of the bill and the second reading might be calculated at seven or eight days, which would hardly afford time to the parties in the country to examine the clauses of the bill; I should rather suggest, instead of seven days between the second reading of the bill, and the sitting of the committee, it should be 10; and that all petitions against the bill should be presented not later than seven days after the second reading; or, what would be better, to make it seven days between the first and second reading (which is now occupied by preparing the breviate); no time would be lost by the promoters of the bill, and the party opposed to it would have time to examine the clauses.

465. Mr. Greene.] The notice of a bill going into committee is three days?—Yes, three clear days; for Friday we give a notice on Monday evening.

466. You would increase that time to 10 days?—No, I would take the other as the more preferable mode of having the seven days to expire between the first and second reading, and seven days between the second reading and the committee, and petitions to be presented three days after the second reading; that gives to the party three days' notice of the intention to oppose; the notice should not depend upon the period of the sitting of the committee, but upon the period of the second reading of the bill.

467. Chairman.] We now come to the committee on the bill; are you satisfied with the constitution of the committee on the bill?—By no means.

468. State to the Committee your objections to the present system?—I think bills are too frequently decided, not upon their merits, but the strength of the parties promoting and opposing the bill, what we call their Parliamentary strength; I have long been of opinion that a reform in the constitution of Parliamentary committees is highly desirable. It is some years since I turned my attention to the subject; I drew up some rough heads of what I thought the constitution of committees ought to be, but finding the difficulty of carrying it into effect I abandoned it. At the commencement of the session the Speaker, or somebody appointed by him, should divide the House, or such Members as ought to serve upon private bills, into committees of five, those lists should be numbered arithmetically, and the bill upon the second reading, whether opposed or otherwise, should be referred to the number to which it had arrived; the lists being kept in the custody of the clerk of the House, or the chief committee clerk, to which nobody should have access at all.

469. That is somewhat similar to the general plan of the committees of the House of Lords?—Yes, but saving the very onerous duty imposed upon any appointing committee of naming committees for each particular bill.

470. Suppose they were fixed in the way you propose, it might very frequently happen that the committee chosen to decide upon the merits of the bill might be composed of interested parties?—That was one great difficulty that occurred to me; I thought a discretion might be left with the Speaker to alter the list if it appeared that any Members were locally interested in the bill; the Speaker should have had the power of transferring it to some other list; upon him there would be no imputation at all who in his official capacity would do so.

471. Your plan, then, if I understand it right, is this, that a certain number of Members should be divided into committees of five each, that they should be numbered,

numbered, and the number would be decided by lot?—That might be a matter of arrangement. *George Pritt, Esq.*

472. And then all bills opposed or unopposed brought into Parliament would be referred in the order in which they were read a second time to those committees, the committee sitting in the order in which they were chosen?—Yes, the first bill read a second time referred to list No. 1.

473. Would it not be easy where parties saw a name that was objectionable to object to it and take one below it?—That might be the case, but I would not have the lists open to the inspection of parties so that there should be any attempt to have a bill read at a particular moment.

474. How would you be able to ascertain that; would you leave it to the parties to decide whether the Members were interested?—Upon the application of either party the Speaker should have a discretion, or, if any one Member was interested, it might be understood that the Speaker should substitute another.

475. But the parties would not be aware of the Members who would have to try the merits of the bill till the day of trial came?—Both parties, when the bill was committed, would see the list, and they would have the option of objecting to any name upon the committee.

476. *Mr. Greene.*] How would you ascertain whether all those Members could attend?—I should propose compulsory attendance.

477. Even with compulsory attendance there might be a considerable difficulty in bringing them together?—That was another of the difficulties that occurred some time since when I thought over it; I then proposed to give the Speaker the power of appointing some Member in the place of an absentee.

478. *Lord Ebrington.*] Why do you think the duty of appointing those committees would be better performed by the Speaker than by a select committee of five?—Simply for this reason, that I should propose the committees should be appointed before the bill is committed, and not for each particular bill; but that the committee should be nominated in the first instance, and the bill referred to the committee which came in order, and not that any onus, which I feel would be a great one, should attach upon any committee to appoint for each particular bill.

479. *Chairman.*] Did not the same objections prevail to the committees of the House of Lords before they altered their plan?—Yes, they did, in a less degree, perhaps.

480. There was, to a certain extent, a considerable canvass?—Yes.

481. And there was a considerable attendance of Lords, and personal and political influence of course prevailed?—Certainly.

482. And justice was not always done?—We used to think so sometimes.

483. Can you state to the Committee what your opinion is of the committees of the House of Lords as now constituted?—I am hardly able to express an opinion, because I have been so fortunate as not to have any of my bills opposed there; I hear, generally, that they give satisfaction.

484. *Lord Ebrington.*] Do you believe that the system of canvassing has been effectually got rid of?—Yes, I should conceive so; I cannot conceive how canvassing should take place; the peers appointed to nominate the committee would not be approachable to a canvass to have any particular Member put upon the committee, and the five appointed to try the case feel they are in so prominent a situation that personal or political influence is impossible; that would be the case here; the smaller the number the greater the weight of responsibility.

485. You believe the same course would produce the same effect with respect to committees of the House of Commons?—Yes, certainly.

486. *Chairman.*] Have you any other suggestion to offer with respect to the constitution of committees upon bills?—No, I am not aware of any; there is one objection, not in the constitution of the committees but in the practice, which is that of notices being given in the Private Bill Office on Saturday night: in one or two cases I have sustained considerable inconvenience; the committee stands appointed for Monday, and on Saturday night notice is given in the Private Bill Office of the postponement of the committee; and the House not sitting on Saturday, it does not appear upon the Votes that any postponement has taken place, and the parties interested in the bill and the Members find it in the Votes of the preceding day and come down in consequence; I should propose that no notice should be left in the Private Bill Office on Saturday for any matter to come on on the Monday.

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487. Would you not say that no notice should be given on any day the House did not sit?—No, that would not obviate the difficulty; I think that so seldom takes place that it might cause some confusion.

488. Your object is to get the notice upon the Votes?—Yes.

489. Supposing the House to sit on the Monday and not on the Tuesday, if you gave notice on the Tuesday it would not appear on the Votes for Wednesday?—Yes; it would be desirable in that case.

490. Would it be desirable that the private business for the subsequent week should appear upon the Votes of the previous Friday; you are aware, at the end of the week, Friday or Saturday, the public business of the succeeding week is printed?—I think that would not be so; it is the duty of the agent to attend at the Private Bill Office to see what notice is given upon the bill he is watching, in order to give the information to his client; I think confusion might be occasioned by the plan proposed, as all the business for the week would not appear in the Votes; supposing a notice given on Monday, that would not appear on the preceding Friday.

491. The party opposing a bill has ample security at present against being taken by surprise?—I think so.

492. Have you any observation to make upon the progress of the bill after it has gone through committee?—In a turnpike-road bill the report is ordered to lie upon the table seven days; it is very seldom, I may say almost never, that any opposition is not settled finally in the committee, and the delay of seven days is unnecessary, and more particularly under the recent practice, when there are already 10 days lost between the presentation of the petition and the sitting of the committee; and upon the amendment of a turnpike-road Act, there is even more; formerly they were not referred at all; now we have a delay of a fortnight.

493. *Mr. Greene.*] With respect to the bringing up clauses upon the third reading or report, would you suggest any thing?—I think that it is extremely inconvenient that they should be brought up upon the third reading or report, except verbal amendments; it is very often that some words are omitted in going through the manuscript clauses in committee; in the case of the Grand Junction Railway Bill, where the amendments were very numerous, I was surprised to find there was no amendment to be made in the report, which it often happens may have to be made; but the introduction of any matter or clause not occasioned by the hurry in which the clauses are gone through, should not be allowed to be made, except upon the re-committal of the bill.

494. *Lord Viscount Ebrington.*] Do you think there would be any objection to the re-committal of a bill for the insertion of clauses, such as it is now frequently the practice to bring up upon the report?—I think if sufficient guard was given to the parties of not delaying the proposition of their clauses till the bill was reported, there would be no objection, but I should fear that the parties might withhold their clauses in the committee, and move the re-committal of the bill; it is often an object to cause delay, to defeat the measure by time, and the withholding those clauses in the committee would gain so much time.

495. Do you think there would be any objection to requiring that any clauses introduced by the promoters should render the bill liable to be re-committed?—It could not by the rules of Parliament be re-committed; after a bill is ordered to be engrossed, the order for the engrossment cannot be discharged, and the clause, if inserted at all, must be inserted upon the third reading; the order for the engrossment is made either upon the bringing up of the report, or upon the further consideration of the report when the report has been ordered to lie upon the table; the bill could not be re-committed for the introduction of those clauses.

496. Do you not think that the subjecting the bill to re-committal, to insert the new clauses proposed by the promoters, would make them more careful in preparing their bill for the committee in the first instance?—I think it might, but I have not found in my own experience many occasions in which parties promoting bills by any negligence have omitted to put in clauses; I have been more troubled by the opponents wishing clauses to be introduced afterwards.

497. Do you think that it would be advantageous to require that the opponents of the bill should bring forward their clauses while the bill is in committee?—Certainly.

498. That they should not be permitted to introduce clauses in the subsequent stages?—If that could be carried into effect, it would be highly desirable.

499. *Mr. Greene.*] Would there be any difficulty, after the order of engrossment,

ment, in committing the clause and the clause alone?—I do not see how you could commit a clause without committing the whole bill; the committee would have to see that the clause was compatible with the whole bill.

500. You do commit clauses in the House upon the third reading, and you fill up blanks?—Yes; so you would in some cases upon private bills; but then the House has the whole bill before them under consideration.

*George Pratt, Esq.*

8 July 1838.

*Mercurii, 11° die Julii, 1838.*

MEMBERS PRESENT:

Mr. Shaw Lefevre.  
Mr. Loch.  
Mr. Hume.

Mr. Freshfield.  
Mr. Aglionby.  
Viscount Ebrington.

THE RIGHT HON. C. P. THOMSON, IN THE CHAIR.

*John Richardson, Esq.*, called in; and Examined.

501. *Mr. Lefevre.*] YOU are a Parliamentary agent?—I am.

502. Your practice is chiefly in Scotch bills?—Yes, chiefly in Scotch bills, and appeals in the House of Lords; I am a Parliamentary solicitor.

503. Have you had considerable experience in the conduct of private business before the House of Commons?—For 32 years I have been engaged in the business of private bills from Scotland.

504. Are you employed also in public bills connected with the government business of Scotland?—I am.

505. How long have you been so?—Since the year 1832.

506. In the early stages of a bill, and its progress through the House, do you see any great evil which requires to be removed?—I think there has been a very great improvement in the appointment of committees on private petitions.

507. You think the committee has worked well upon the whole?—So far as my experience goes, exceedingly well.

508. Do you think the committees on bills work equally well?—I do not.

509. Will you state to the Committee your opinion of the present constitution of committees on private bills?—I think the committees on private bills so numerous as to be, in a great degree, irresponsible; I think they are uncertain and irregular in their attendance, and that the meetings of committees are brought about by means which tend very much to destroy the confidence of the country in the decisions of the tribunal.

510. Have many cases occurred within your knowledge where bills have been carried through personal canvass?—A great many cases.

511. Are you aware of there being persons whose whole time is occupied in canvassing?—In Scotch bills there is generally a deputation sent up who are engaged in canvassing; I do not engage in it myself. At one time there was an individual of considerable literary distinction, who I know was employed, by those who came up from Scotland, in canvassing for several bills which I conducted. He had a carriage at his command, and went about during the day canvassing.

512. *Chairman.*] Was that canvassing for the second reading of the bill in the House of Commons, or for the consideration of the report?—It referred to the committee.

513. *Mr. Hume.*] During the whole course of the committee, it was his business to endeavour to get the best attendance favourable to his views he could?—To go round and represent the interest of the party by which he was employed, and to get the best attendance he could.

514. *Mr. Lefevre.*] Does not some inconvenience arise from Members not being always present during the proceedings of the committee?—Very great inconvenience; they do not hear what the parties are anxious they should hear, and which they consider important to their case, and the latter are naturally desirous to re-introduce both evidence and argument, that those who were absent may hear them.

515. Are proceedings before committees frequently protracted by Members coming in who have not heard the evidence, and putting questions which they would not have put, if they had been present at the previous parts of the proceedings?—They

*J. Richardson, Esq.* are ; they are stopped as far as they can be, by being informed that those questions and answers are upon the minutes, but, no doubt, it occasions considerable delay.  
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516. Mr. Hume.] At the time of divisions, after evidence has been taken, is not great effort made to obtain the presence of Members, many of whom have not heard any of the evidence before the committee?—There is no doubt of that; the parties interested on the one side and the other, go to the committees in which they know Members to be, and bring in Members who have not heard the evidence or the arguments.

517. Are not the number of Members who attend on the divisions in almost every instance greater than those who have attended and heard the evidence?—I should say so, certainly.

518. And consequently the results may be considered, very often, at variance with the facts deduced in evidence?—They certainly may be, and one may anticipate that they will be.

519. Mr. Freshfield.] In your experience, have not objections been taken, and propositions urged, relying on the strength of the party, which never would have been raised in a judicial court?—I should say so.

520. Mr. Lefevre.] Had you any bills in Parliament this session?—There have been very few bills from Scotland this session; I think not above 10 or 12, of which I have had two or three.

521. Were they opposed bills?—I have been concerned in opposing one bill.

522. Have you had an opportunity of seeing the working of the committees of the House of Lords, constituted on the new plan?—In that one instance I have.

523. Will you state to the Committee what is your opinion, whether you consider that an improvement?—My opinion certainly is, that that is a very great improvement on the old committees of the House of Lords, and that it would be a great improvement on committees of the House of Commons, if it were introduced in that House.

524. Were the old committees of the House of Lords liable to the same abuse which committees of the House of Commons were?—I should say they were liable to the same abuse, but not to the same extent; I should say that parties had a better chance of justice, of having their case more judicially examined in committees of the House of Lords, than in committees of the House of Commons.

525. Did not canvassing prevail?—Yes.

526. To a considerable extent?—It prevailed, not to the same extent, or with the same indecency, but it prevailed.

527. You consider the working of the new plan in the House of Lords satisfactory?—I think quite so.

528. In what does the advantage consist?—They adopted a course which very much abbreviated the proceedings; they directed all the parties, there being three in the case to which I have referred, to give in a statement of their objections to the preamble of the bill, to give in also all the clauses they would themselves propose; to give in their objections to all the clauses in the bill, and to give in their objections to all the clauses which might, in obedience to that order, be given in by other parties; they called for these before they proceeded to decide on the preamble; I think that might be attended with inconvenience, if they were not pretty sure that they were going to vote the preamble proved; because by their going into the clauses, they might be taking a great deal of trouble upon themselves, which, if afterwards the preamble should not be proved, they might have spared; I do not know that that is to be their regular course, but it was what they did on this occasion, and very beneficially.

529. Chairman.] Do you think the opposed bill was got through in a much shorter time than it would have been under the old system?—I think it was; I think the course they adopted obviously tended to expedite the proceedings; they were very peremptory in compelling the parties to adhere to that course.

530. Did the committee sit long?—The bill was opposed in the House of Commons, and the committee sat 22 days; it was opposed in the House of Lords, and the committee sat five days, one day being one on which the committee met; but not having got their summonses in time, they did not do any business; but then I must say that the opponents of the bill announced that on the preamble they did not mean to lead evidence, and therefore they would not have protracted the proceedings so long in the House of Lords as they did in the House of Commons, even if the rule which was laid down had not been followed.

531. Were

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531. Were you for or against?—Against, or rather I was watching the bill on the part of the city of Glasgow; they were satisfied with the bill, provided they saw no injury done to the public interest by it.

532. Mr. Aglionby.] In the House of Lords were all the points of objection raised which had been raised in the committee of the House of Commons?—I think they raised all those points; and they did ultimately go into evidence to a considerable extent.

533. How do you account for the difference of time?—I account for it in a great degree as having been occasioned by the regulation made by the committee of the House of Lords.

534. Mr. Freshfield.] Could you apportion any part of the 22 days, as exclusively applied to the proof of the preamble in the House of Commons, so as to make the two cases parallel?—No, that would be difficult; I do not think I could.

535. Chairman.] Have you known in the course of your experience any cases of flagrant abuse with regard to carrying private bills through the House of Lords?—Canvassing I believe is very universal, I do not know that it can be said to apply to one house more than another.

536. Do you know any case where the opposition to a bill has been vexatiously protracted in consequence of the system?—I think the mode of conducting business in the House of Commons put it in the power of parties to lengthen it to a vexatious degree; and I have not a doubt it has been carried to a vexatious degree, and vexatiously intended.

537. Are you of opinion that it would be an improvement if the House of Commons' committees were constituted much in the same way that the House of Lords are?—So far as the experience of this session goes, I should say yes; at the same time there is a great difference between the committees of the House of Lords and the committees of the House of Commons, inasmuch as the committees of the House of Commons have their constituents to answer to, and very likely it might create discontent in a county if all connexion between the county and the committee were to be cut off, so as to exclude those who have the most local knowledge.

538. Mr. Hume.] Might not that local knowledge be brought before an impartial committee, and in that way might not the dissatisfaction you anticipate be avoided?—My own impression is that the evil of the local bias in the Members of the committee more than counterbalances the good of the local knowledge.

539. Mr. Loch.] Has the diminishing the number of the committee of the House of Lords been an advantage?—Certainly, so far as I can judge from the experience of one session.

540. Would not that be applicable to a committee of the House of Commons so constituted?—Yes, because I think the lesser number of the committee; its continuous sittings; the judicial character with which it would be clothed; its responsibility, and the respect which it would attain in the eyes of the public, would make it a far better tribunal than the committee of the House as at present constituted.

541. Do you not consider that the same Members hearing the whole of the evidence is also of great importance, and gives greater satisfaction to the parties concerned?—That would seem essential to the just decision of the case.

542. You consider that the principle adopted in election committees of this House, where every Member is obliged to hear the whole evidence, which is the principle on which the Lords are now acting, is one which the committees of the House of Commons should adopt?—I do; I conceive that the coming to a right decision calls for a constant attendance, and the hearing of the whole evidence.

543. Is it your opinion that those changes to which you have referred tend to shorten the proceedings on the bill?—There can be no doubt of that.

544. Mr. Lefevre.] Have you considered whether the breviates which have been adopted this session have been of advantage or not?—As far as my experience goes, I should say they have been of advantage; I passed two bills; in one of them, which was a bill for converting into stock a sum of debt of a railway company, there were private regulations introduced; there were some of them out of the ordinary course; the breviate brought it to the knowledge of the Members who took the trouble to read the breviate; and the Member for Glasgow, who was conducting the bill, when I asked him to come down to

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hold the committee, it being an unopposed bill, asked me whether there was not something unusual in the bill, and said that it must be looked to; it was unusual; and it was ordered to be struck out by Lord Shaftesbury, and so the bill, when it came before the committee, was amended in that respect.

545. That irregularity would probably have escaped observation if there had been no breviate?—It would not have escaped Lord Shaftesbury's observation; but I think the Members of the House of Commons would have had no knowledge of it; and it was for that reason I thought the breviate did good.

546. Do you not consider that breviates of Acts of Parliament adopted of late have been a very great security against the parties doing any thing which was irregular?—Certainly.

547. *Mr. Freshfield.*] It has been a security that the same bill as was brought in was reported to the House of Commons?—That no improper enactment had been introduced into the bill.

548. *Mr. Lefevre.*] You have spoken of the advantage of appointing committees of a certain number of Members to sit continuously on the bill; do you apply that equally to unopposed bills?—No, I should think not.

549. Do you think the present arrangement, with respect to unopposed bills, is such as it ought to be?—I see no reason why it should be altered.

550. Are not clauses sometimes introduced into unopposed bills which have never been in print, and of which, therefore, the Parliament have never had any knowledge?—Certainly, there are clauses introduced of which they have no knowledge till the bill is reported; it is altered in committee; but I have no reason to believe that that is done improperly.

551. *Chairman.*] Is not what is termed an unopposed bill very often a bill very much affecting the public interest, though it is not the interest of any individual, perhaps, to oppose it?—No doubt private bills do, in many instances, affect the public interest.

552. Is it not extremely desirable that full knowledge of proceedings of this sort should be given to the public?—Certainly.

553. Under the present system, is that knowledge afforded?—Under the system now adopted, of the amended breviate, it would be afforded; but before the breviate there was no information, except that afforded by the printed bill.

554. Which printed bill nobody reads?—Which nobody attends to.

555. *Mr. Freshfield.*] You furnish a certain number of bills to the door-keeper, to be distributed, and a certain number to the Private Bill Office?—Sixteen to the door-keeper, and two to the Private Bill Office.

556. On an unopposed bill, you would have no application from the door-keeper for an increased number, probably?—I do not think we ever have.

557. *Mr. Loch.*] In the case of an unopposed bill, do you conceive that advantage would result if a similar jurisdiction were created in the Commons to that which Lord Shaftesbury exercises in the Lords?—If there were a jurisdiction created assimilated to that of Lord Shaftesbury in the House of Lords, it would be an additional security; but I think Lord Shaftesbury's superintendence in the House of Lords is very nearly a perfect security.

558. Might not one individual be named in the same way, to take the chair on all occasions, and would not his experience very soon make him an equally good check in the progress of those bills?—There is no doubt it would be a beneficial check, and I conceive a great security to the public.

559. Would not that involve an additional expense of establishment?—Unless the individual was himself capable of judging of the matter.

560. Can you expect any individual Member to be so qualified?—Not unless the chairman was paid. I do not think that any individual would undertake it.

561. What situation does Lord Shaftesbury hold in the House of Lords?—Chairman of committees.

562. He has a salary for it?—He has, I believe, 3,000*l.* a year.

563. He is chairman of all the public committees?—He takes the chair whenever the House of Lords goes into committee; and in committees of privilege, he sits from morning to night sometimes.

564. *Mr. Freshfield.*] He has also a law adviser, whose duty it is to revise every bill, before it comes into the House of Lords?—Lord Shaftesbury does that himself; and Mr. Palk also.

565. *Mr.*

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565. Mr. *Lefevre.*] Does not inconvenience arise, frequently, in the bringing up clauses on reports?—Yes; the Speaker has set himself against the practice, and it has been much discouraged of late.

566. Those clauses must be submitted to the Speaker?—Yes.

567. Do you think there would be any great hardship in obliging the parties, when they bring up clauses on the report, or third reading, to re-commit the bill?—I think there would be a great advantage, if you could re-commit the bill, even after report; I think hardship has often arisen where a clause has been proposed, which the party had no wish to oppose, but could not adopt, because the bill had been reported; I do not know how far you could get the better of the present rules of the House, to get a bill re-committed after report; but I think that would be an advantage, although there would be some expense attending it.

568. Would it not be sufficient to re-commit the clauses?—I hope it would be considered sufficient to re-commit it as to the clauses only, otherwise the discussion of the whole bill must occur over again.

569. *Chairman.*] Do you not think it would be a great advantage if there was some legal gentleman connected with the House, whose special duty it was to examine all unopposed bills, and to report how far those bills might affect the public interests?—I think the benefit arising from Lord Shaftesbury's examination of bills is so great in the House of Lords, that it could not fail to be beneficial in the House of Commons, if the duty were equally well performed.

570. Might it not also be desirable that even opposed private bills should be submitted to such an officer?—The arrangement necessarily applies to all bills whether opposed or unopposed; all bills go to Lord Shaftesbury in the first instance, whether opposed or unopposed; and all clauses of bills proposed to be introduced, go to Lord Shaftesbury; I should never venture to introduce a clause in the House of Commons without Lord Shaftesbury's approval.

571. In consequence of there being no such officer in the House of Commons, who would discharge the duty Lord Shaftesbury discharges, if it were not for the House of Lords and Lord Shaftesbury's able management, every kind of abuse might be expected?—I should hardly say every kind of abuse might be expected; but every abuse would be practicable if persons were disposed to be guilty of it.

572. Mr. *Hume.*] You have stated that you think the breviates prepared by Mr. Booth have been of advantage?—So far as my limited experience goes.

573. Was there any thing in the nature of a breviate prepared before?—Nothing but the breviate the agent prepared, which went in with the bill, and which was very meagre.

574. Is that continued now?—It is.

575. Of what use is that breviate now?—None, unless you suppose the Speaker reads out the heads of the bill from the breviate; it is of use in that respect when the bill first goes into the House.

576. Do you think the Speaker will attend to any breviate except that of Mr. Booth?—Mr. Booth's breviate is at the after stage; the breviate which the agent prepares, is that which goes in with the bill, and is that from which the Speaker is supposed to read the heads of the bill.

577. For what purpose does the Speaker do that?—It is to announce the nature of the bill to the House; the understanding is, that the breviate contains the substance of the bill, and that the Speaker in reading from the breviate, communicates to the House shortly the substance of it.

578. Do you think that should still be continued?—If it is necessary that the Speaker should announce to the House what the bill contains, I think that ought to be continued.

579. Are you aware of any advantage arising from that breviate for the announcement to the House?—No, I should say none in the least; it is a dead letter.

580. Have you any opinion as to who should pay the expenses attendant on the re-commitment, where clauses are to be brought up?—I think, if the clauses were proposed by an opponent of the bill, the bill being re-committed at his request, that he ought to pay the expenses.

581. Would it not, in fact, be better that such should be determined as to the expense, if re-commitments were agreed to by the House, rather than allowing clauses to be added in the House?—The re-commitment would lead certainly to a better investigation of the nature of the clauses.

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582. Can

*J. Richardson, Esq.* 582. Can you suggest any other alterations than those which have been under consideration to facilitate the progress of a bill, or lessen its expense?—No other occurs to me at the moment.  
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*J. E. Dorington, Esq.*, called in; and Examined.

*J. E. Dorington, Esq.* 583. Mr. *Lefcote*.] YOU are clerk of the fees of the House of Commons?—I am.

584. How many years have you been in office in the House of Commons?—Thirty-eight years.

585. You are, and have been for some years, in charge of passing all Government bills through the House?—I am; I am no longer concerned in private business; but I have been till the last two years.

586. You have witnessed the proceedings before committees on petitions?—I have frequently witnessed them, and heard remarks upon them.

587. Have you been satisfied with the change which has been made in the constitution of committees on petitions?—Thoroughly; I believe that plan has completely succeeded.

588. You think the plan has worked well?—Exceedingly well.

589. What is your opinion of the breviates?—I believe the breviates are found rather useful, I hear Members read them; I have not heard of any practical results from them, but I am not now in a situation to hear much on the subject.

590. You believe that Members read them who would not have read the printed bill?—I imagine many read them, who would not read the bill.

591. Are there not a great many copies of the bill printed?—Yes.

592. Are there a great number given to the Members?—Yes; the agent for the bill is bound to give copies to Members when they are asked for.

593. Are many asked for?—The metropolitan bills are much asked for; in many instances I remember to have distributed 200 of opposed bills.

594. You have no suggestion to offer with regard to the second reading of the bill?—None.

595. What is your opinion of the present constitution of committees on private bills?—Undoubtedly it is very bad.

596. What is the great objection?—The great objection is, the number of Members who vote, not having any information on the subject on which they decide, and not having heard the evidence given before the committee; and the impression entertained by many persons, that some who do attend are actuated by particular motives.

597. That they probably are influenced by private canvass?—That they are influenced by personal canvass.

598. Mr. *Hume*.] Are the Committee to understand from your observation, that decisions in committees are often come to without reference to the merits of the question immediately before them, but more dependent on the canvass and influence used?—I believe so.

599. *Chairman*.] Has not the canvassing become almost a business?—There are some persons who practise it, I believe.

600. In fact, they devote themselves to going round, and endeavouring to influence Members?—Yes; they call themselves Parliamentary agents, but, I believe, their principal business is that of canvassing Members.

601. Viscount *Ebrington*.] Do you mean that there are persons who are agents, solely for the purpose of canvassing Members?—I believe they have scarcely any other business than that of canvassing Members.

602. That they have no other connexion with the bills for which the canvass is made?—There are persons in that situation, who are regularly paid for their services.

603. *Chairman*.] Do you think that practice has been confined to the House of Commons only?—No, I believe it extended to the House of Lords.

604. Mr. *Hume*.] Have you not, in fact, witnessed agents, and others interested in bills, watch the committee doors where Members were, and actually bring them in a few minutes before the division was to take place?—Certainly.

605. Has not that been an ordinary proceeding?—Very much so.

606. Has any such influence prevailed in committees of the House of Lords?—No; I am not aware it has.

607. Do

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607. Do you consider that practice to have increased or diminished since the change in the constitution of the committees?—I think it increased last year exceedingly; the reason for that is obvious; the great interests involved in the bills of last year, and the large sums of money companies had at their disposal, enabled them to pay persons for the purpose.

608. Viscount *Ebrington.*] Do you ascribe that increase to the change in the constitution of the House of Commons' committees, or to the great competition there has been with reference to the bills brought under the attention of those committees?—There has been no great change in the constitution of committees lately.

609. The question refers to the time since the lists were established?—Those lists have been established many years; I attribute it to the great competition.

610. Do you think the change made in the constitution of committees, by the establishment of those lists, was any improvement on the old open system?—Yes, I think it was; it restricted the number of the committee, and therefore restricted the opportunities of canvass.

611. Do you think that the publication of the names in the divisions on committees has operated as a check upon the conduct of the Members composing them?—No, I am not aware that it has produced any effect.

612. Mr. *Lefevre.*] Are you aware of the change which has taken place in the constitution of the House of Lords' committees on private bills?—I am.

613. And that that has operated very favourably?—I hear it has operated very favourably.

614. Do you think the same principle is applicable to the construction of committees of the House of Commons?—I think it is to a certain extent, but not wholly so.

615. Will you state what the difference is?—I think there must be some attention paid to local Members and local interests in the committees of this House; I entirely concur with those persons who recommend a very large reduction in the number of Members now composing committees; but I am of opinion that an omission of all the local Members will be far from satisfactory to the constituency in the places affected by the bill. It is in committees on railways that the most objectionable practices are stated to have taken place; but even in the cases most complained of, the conduct of the whole of the Members is not objected to, and it must be remembered that there are a large mass of bills purely of a local nature, and in which the public in general have small interest, such as inclosure, draining, paving, gas, water-works, churches, small roads, &c., and it appears to me that carefully to exclude from the committees on bills all those Members who are acquainted with the localities and the circumstances of the case, as well as with the parties promoting and opposing the measure, and to refer the consideration of the bill to Members completely unconnected with the county or place, would be erroneous and unsatisfactory. A Member for a county or town has opportunities of effecting compromises and making arrangements which could not be possessed by an indifferent Member, and it could not be expected that any Member not locally interested would exercise the patience and forbearance in hearing the complaints and observations of individuals, both in and out of committee, which I have often remarked in county and town Members. If local Members are not allowed to form a part of the committee, they will be compelled by their constituents to bring on discussions and propose clauses in the House, where the canvassing will be incomparably greater, and a man of influence will have every chance of gaining his object; the decisions of the committees on petitions and on Standing Orders have been occasionally attacked, and I cannot but apprehend that the decisions of the new committees, if not directly objected to, will at least be evaded by the introduction of clauses on report, or third reading; and I have heard that in the Lords a bill is likely to be attacked on points which came before the committee, and on which they were satisfied. For these, among other reasons, I should propose a mixed committee, composed of local Members and of Members unconnected with the county or place. The plan I propose is, that committees should consist of four local Members and five others, the latter to be selected by a committee appointed for the purpose, the selection to be made within a month after the meeting of the House, the lists to be formed, sealed up and numbered, and the bill, which is first committed, to be referred to List, No. 1, and so on in regular order. The four local Members also to be selected by the same committee. That the five general Members shall

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always attend, unless for a satisfactory reason, to be assented to by the committee, and afterwards reported to the House. The committee clerk to enter on his minutes the names of the Members present when the committee meets and when the committee adjourns; those who come in during the proceedings not to be noticed in the minutes; the division lists will then show those who did not regularly attend, but entered for that purpose alone; any Member to be at liberty to enter his protest against any proceedings or vote on the minutes of the committee. By these means, and the small number of the committee, the improprieties now complained of, will, it is hoped, be prevented. The minutes of the committee to be laid before the House. That the committee-room shall not be cleared, but all discussions and divisions take place in the presence of the parties; on the slightest interference, or if any Member is addressed, the chairman immediately to clear the room. This plan, I should observe, has reference only to opposed bills.

616. Supposing you allow Members having local interests to attend the committee, if the bill is one affecting several counties, do you conceive that four local Members would be sufficient?—If it went through four counties, I think there should be a Member selected from each county.

617. You conceive that the five Members selected should be required to be constantly present during the proceedings of the committee?—Yes.

618. Do you propose that the selection of the local Members should rest with the committee of five?—With the committee to be appointed for the purpose at the commencement of the session, who should also form the different lists, which I propose should be sealed up and numbered, the names of the Members composing the different lists being unknown till the bill is committed. If that is not done, I think persons may say, “Oh, No. 7 is a favourable list; I will not read my bill now; I will wait, and endeavour to get No. 7.”

619. Would there not be danger, that if that appointment were left to the committee, they might perhaps choose, by taking a Member for each county, the Members who represented the interest all on one side, so that the other side would not be represented?—I do not think that in taking four Members for counties, or some selected Members for towns, much danger is to be apprehended.

620. Have you thought whether that objection, such as it is, might not be obviated, by allowing the party supporting and the party opposing, each to have a local Member on the committee as a nominee?—I think that that recognizes a system of partisanship, and that Members so chosen would be in some measure bound to attend solely to the interests of the particular party who had chosen them.

621. Might not that inconvenience be obviated by not allowing the local Members’ votes, having them there merely as nominees?—I do not perceive that much advantage would arise from that; if you leave the committee-room open during the discussions upon all points, a Member without a vote, would not possess much more influence than a counsel.

622. Would not that give the opportunity, which you consider it desirable for the local Members to have, and which has been found beneficial, of the Members on either side effecting a compromise between the parties, bringing them to some arrangement?—I think unless the Member who effected the arrangement could have the power of supporting it by his vote, it might fall to the ground.

623. Do you not think that those two nominees, being Members of the House; even without votes, would possess considerable influence with the committee?—I think that if the counsel on each side said they had arranged the matter, they would not find much opposition from any committee, however constituted.

624. Viscount *Ebrington.*] Would not that be an argument for dispensing with local Members altogether?—No, I think not; I think a local Member being a member of the committee, may bring the parties together, by sitting down and talking the matter over; he takes the trouble of seeing first one and then the other party, and brings them at last to an understanding, which he, being supposed to be completely unprejudiced, and, most probably, possessed of some influence over them, is able to effect, and which he would hardly exert himself to obtain if the bill was entirely taken off his hands, and referred to indifferent Members.

625. Mr. *Loch.*] Is not that placing a member of the committee in a situation in which he ought not to stand?—I think not.

626. Ought he not to be there rather in the situation of judge than of party?—I have always found it highly beneficial, where Members would take the trouble of effecting compromises before coming into the committee.

627. Does

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627. Does that not rather arise from the defective formation of committees as constituted now, than if they were formed in a more perfect manner?—I think not.

628. In the case of nominees, supposing there are more than two parties interested in a bill, how would you propose to deal with them?—Then I think there must be nominees for each party; I should not think that the plan of nominees will be found to be of much avail; by the old Election Law nominees were allowed on election committees, but put an end to in 1828, I suppose because found objectionable.

629. Supposing in a committee, constituted as you have suggested, how would it be arranged, if in the list of five there should be a local Member, would you propose four local Members besides?—When that appears to be the case, and also in the cases of Members having leave of absence, those who have vacated their seats, or have died since the lists were formed, I should propose that the committee who had originally formed the list, should strike out the name of the local or other Member, and take somebody else.

630. Viscount Ebrington.] Do you think it will be possible to find local Members who would not be interested on behalf of their constituents on the one side or the other in favour of or against the bill?—They almost always must have an impression upon the subject, but at the same time I entertain that opinion of several local Members who might be selected, that I think they would do justice fairly between the parties if my plan was adopted.

631. Mr. Loch.] Would they not be subject to that very control you have already mentioned, that they would not be free agents?—I have not been in the habit of hearing many complaints of the county Members.

632. Mr. Freshfield.] Have you considered that in the case of roads or improvements of towns, it might happen that the local Members might all be in favour of the measure or against the measure, having been appointed originally without any reference whatever to this particular case?—I think there are difficulties in every view of considering it, but that the system of excluding local Members would be very unsatisfactory; and that the measure will come again into the House, and be again discussed there on report or third reading.

633. Is it the practice of the House of Lords to appoint peers having any local interest or connexion?—No, they are carefully excluded.

634. How have the committees of the House of Lords, so formed, conducted the business?—Very well indeed.

635. Have their decisions generally given satisfaction?—I believe so; there is always a losing party, and of course that party is dissatisfied; but I believe their decisions have been in general deemed good.

636. Mr. Loch.] Have their decisions led to much controversy in the House?—Their decisions have been acquiesced in; but I was told yesterday that a bill which had gone through the committee is to be discussed again in the House, and by, I believe, one of the great promoters of the new plan of committees.

637. Viscount Ebrington.] Is that a single instance?—That is the only instance I have heard of. I do not know how many of those committees have been appointed; but few, I apprehend.

638. They have been appointed on all contested bills?—Yes; but the contests in the House of Lords have not been frequent.

639. Mr. Hume.] Do you not conceive that the committee should sit in a judicial character on those bills in the House of Commons?—Yes, to a certain extent, with a due consideration to the wishes of those interested.

640. If they are to act as judges, ought they not to be as free as possible from the political or local influences which must be affected more or less by the bill?—It is for local purposes those bills are in general introduced; if it appears that local advantages are not likely to be fully answered, or that the wishes of the locality are against it, I think that the measure ought not to pass.

641. Have you not known of a measure introduced by a corporation opposed by the great mass of the inhabitants?—Yes.

642. If the local Members shall have been elected by the corporation, is it not likely that there may be danger of bias in favour of the corporation and against the other party?—There might be danger of that, certainly.

643. Does not that appear to you a difficulty likely to arise, particularly whilst political parties are strong in the country, and would it not be better to free the committee

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committee from any such risk?—I think there might be danger to be apprehended from the circumstances stated; but still I am inclined to think that the people of the town would wish to see their Members forming part of the committee, and take their chance which way they might vote.

644. Admitting that your plan is open to that danger, do you think that the discontent on the part of those interested would be worse than the risk of partiality from such influence?—I think there is every hope, by diminishing the number of the committee and other measures suggested, that Members, though their political or personal bias may be in one direction when they have this trust confided to them, will act fairly.

645. You say that though that may be so, yet there is a risk to the contrary?—There is a risk.

646. Should not every risk be avoided if possible?—Certainly.

647. Would not individuals selected from the House without that local bias, be much better able to call before them what local information is necessary, and so to decide, than individuals so influenced, as you admit the local Members might be?—I think there will always be a strong canvass of the selected Members, and that they will in all cases be pressed and driven.

648. Viscount Ebrington.] Do you think that if the number were so small as to make the responsibility so great as it would where the committee consisted of five, that canvass will avail to bias those Members against the merits and justice of the case?—I am apprehensive that there would always be a very considerable effort made to influence the five.

649. Mr. Freshfield.] Do you not consider that if you gave the committee a judicial character, the moral effect would be producing indignation on the part of those Members if they were personally canvassed?—It might.

650. Mr. Lefevre.] Supposing you added four Members locally interested on the committee, would canvassing be averted by that plan?—No, I do not expect that it would.

651. You still presume that canvassing will continue?—I believe that, under any circumstances whatever, canvassing will continue.

652. Supposing there were four local Members on the committee, with five others, it would be only necessary to get one vote to secure a majority of the committee, therefore there would be a better chance of canvassing being successful in committees constituted partly of four local Members, than if constituted of five Members entirely unconnected with the parties?—There would, certainly.

653. Viscount Ebrington.] Have you reason to believe that the system of canvassing has been carried on of late in committees of the House of Lords?—I have no reason to suppose it; but being out of agency business now, the only means I have of learning the proceedings in the House of Lords, is from conversations with the different agents, &c.

654. Is it your impression that that practice has been carried on?—I do not believe it has been done at all; I believe that it does not take place.

655. Before the establishment of the new committees, the canvass was carried on as extensively in the House of Lords as it is now in the House of Commons, was it not?—Nearly.

656. Have you any other suggestion to offer to the committee?—I have often thought it would be a very convenient plan, if, instead of troubling Members to attend in the House and make certain motions, there were some particular proceedings for which a register might be established, and brought before the House by the Speaker; my suggestion is to the following effect: Many of the proceedings on private bills are unimportant, and mere matters of course; but the transaction of them in the House frequently occupies time which might be saved and greater accuracy attained, if a previous registration was established, and the proceeding afterwards confirmed by the House; I would suggest that the parties should be at liberty to register certain proceedings in the Private Bill Office; the register to close one hour before the meeting of the House; the petition or bill to be lodged in the office; no registration to take place, unless the whole proceeding is completely a matter of course; the register to be read over by the clerk at the table as soon as the Speaker is in the chair, and if any Member objects, the proceeding immediately to be struck out, and only brought forward again by a Member; this plan may be adopted in cases of, first, petitions for bills; secondly, petitions against bills which, in the haste in which the business is transacted in the House, are now sometimes entered in

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in the votes as against wrong bills, or referred to the committee when they ought to lie on the table; thirdly, petitions in favour, which, for the above reasons, are sometimes entered to wrong bills, or as petitions against; fourthly, bills presented and read the first time; fifthly, perhaps also reports on bills when intended to lie on the table. By this plan the time of the House and much trouble to individual Members will be saved, more correctness attained, and I am not aware that any disadvantages whatever can result from it.

657. Have you any other suggestions to make?—Only with regard to the report lying on the table; the Standing Orders ought to show more particularly than they do at present, the bills, the reports on which should lie on the table; as this session the reports on some bills were ordered to lie on the table, when they should have been ordered to be ingrossed.

658. Have the parties sufficient notice in the Private Bill Office now of business likely to come on in the ensuing week?—The parties do not know what is coming on in the ensuing week without inquiring.

659. Would it not be desirable that on the last votes published in the week, the private business of the succeeding week should appear as the public business does?—It might perhaps be convenient; I do not know whether Members have derived any inconvenience from the want of it, and I am not aware that the parties have.

660. Mr. *Loch.*] Do you see any objection to that plan?—None at all.

661. How does the agent appoint the second reading of a private bill at present?—He gives a notice in the Private Bill Office three clear days.

662. Supposing he wishes to countermand that, what does he do?—He gives another notice.

663. If there is notice given for the second reading, should not the countermand be by motion in the House?—I think that would occasion great trouble in the House.

664. Is there sufficient notice to the parties of its being altered?—Occasionally tricks may be played, but I think not often.

665. Mr. *Hume.*] Have you not known committees postponed from time to time with a view to avoid an opposition?—Yes, postponements of committees frequently lead to arrangements, and prevent opposition in the committee.

666. Do you mean postponements at the discretion of both, or one?—At the discretion of the party in favour of the bill.

667. May not the party promoting postpone so as to annoy or exhaust the party opposing?—He may annoy him.

668. Is it not desirable that where parties come to London for the purpose of opposing the bill, the opposition should be as speedily attended to as possible, and as little expense and delay occasioned as may be?—The expense will be trifling, for the agent will not bring up his witnesses till he knows that the committee is going on.

669. Mr. *Loch.*] If it is from Scotland, he must have his witnesses in town; he cannot know when it will come on sufficiently early?—I think there should be no improper postponement, but I am confident it would frequently occasion more opposition if a party were compelled to go on on the day of which he had given notice; fictitious postponements are highly objectionable; but postponements have frequently a very good effect, and terminate in amicable arrangements.

670. Have not there been frequently vexatious postponements for the purpose of tiring out parties and putting them to expense?—I think very rarely, indeed.

*Jovis, 19<sup>o</sup> die Julii, 1838.*

MEMBERS PRESENT :

Mr. Aglionby.  
Mr. Loch.  
Mr. Hume.  
Mr. Lefevre.

Viscount Ebrington.  
Mr. Greene.  
Lord Granville Somerset.  
Mr. Freshfield.

THE RIGHT HON. C. P. THOMSON, IN THE CHAIR.

His Grace the Duke of *Richmond*; Examined.

His Grace the  
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671. *Chairman.*] YOUR Grace has attended considerably to the management of the private business in the House of Lords?—I have for the last two or three years.

672. Your Grace has been, of course, acquainted with the working of the system which was in operation in committees before the last session, and with the working of it since the change?—Yes.

673. Will your Grace have the goodness to explain the change which has taken place during the last session in the arrangement of committees?—The Committee are probably aware that prior to the Report of the Committee upon the subject of the Standing Orders of last session, the individual who moved the second reading of a bill invariably, I believe, took the chair in the private committee, and got as many peers as he could to attend; they met at different hours, some of the committees at 12, others at two, and they adjourned frequently after a very short sitting; the inconvenience of the old system was, that not only were not the same peers listening to the whole of the evidence upon the same bill, but that frequently there was one chairman one day and a different peer in the chair the next; the consequence was that the proceedings were much longer than was necessary, and the nature of the attendance very unsatisfactory to all the parties. There was another objection; it was found that peers came who had not listened to a single syllable of the evidence, and voted upon the question whether the preamble was proved or not; that led to a great deal of dissatisfaction among the peers themselves, and I have every reason to believe out of doors also. A committee was appointed by the House to take the subject into consideration, who agreed to the regulations which I hold in my hand; they have been amended this year, but only verbal amendments have been made.

674. Mr. *Greene.*] Your Grace's observations apply to opposed bills?—Entirely so.

[*His Grace read the Standing Orders of the House, as follow:*]

ADDITIONAL STANDING ORDERS RELATIVE TO PRIVATE BILLS.

*Die Jovis, 6<sup>o</sup> Julii, 1837.*

*Ordered,* by the Lords Spiritual and Temporal in Parliament assembled, That no opposed Private Bill be referred to an Open Committee.

*Ordered,* That every opposed Private Bill, not being an Estate Bill, be referred to a Select Committee of five, who shall choose their own Chairman.

*Ordered,* That every one of such Committee of five do attend the proceedings of the Committee during the whole continuance thereof.

*Ordered,* That no Lord who is not one of the five do take any part in the proceedings of the Committee.

*Ordered,* That Lords be exempted from serving on the Committee on any Private Bill wherein they shall have any interest.

*Ordered,* That Lords be excused from serving for any special reasons to be approved of in each case by the House.

*Ordered,* That the Chairman of the Committees, and four other Lords to be named by the House, be appointed a Committee to select and propose to the House the names of the five Lords to form a Select Committee for the consideration of each such opposed Private Bill.

*Ordered,*

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*Ordered*, That the Select Committee of five be not named to the House on the same day on which the opposed Private Bill is read a second time.

*Ordered*, That the Committee to whom any such opposed Private Bill is committed, shall meet not later than eleven o'clock every morning and sit till four, and shall not adjourn at an earlier hour without specially reporting the cause of such adjournment to the House at its next meeting, nor adjourn over any days except Saturday and Sunday, Christmas Day and Good Friday, without leave of the House.

*Ordered*, That if any Member of such Committee is prevented from continuing his attendance, the Committee shall adjourn, and report the cause of such Member's absenting himself to the House at its next meeting, and shall not resume its sittings without leave of the House.

*Ordered*, That previously to the second reading of any Private Bill relating to Railways, and previously to the sitting of the Committee on any opposed Private Bill, not being an Estate Bill, nor a Divorce Bill, such Bill shall be referred to the Standing Order Committee before which the compliance with the Standing Orders relative to notices, to the depositing of plans and sections and books of reference, lists and estimates, and to applications for the consent of the Owners and Occupiers of Lands, and to any other matter which may be required by the Standing Orders to be done by the parties promoting such Bill before the second reading of such Bill, shall be proved.

*Ordered*, That the said Orders be declared Standing Orders; and that they be entered upon the Roll of Standing Orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Emendat. per Ord. 1 Maii 1838.

Emendat. per Ord. 11 Maii 1838.

These are the Standing Orders at the present moment. On the motion of the Lord Chancellor, at the beginning of this session, four peers were named by the House, who with Lord Shaftesbury were to form the committee to select and propose the names of the five Lords to form the select committee upon each and every opposed private bill. The Earl of Devon, Lord Redesdale, Lord Hunsdon (Viscount Falkland) and myself were the peers appointed. At our first meeting we decided we should none of us take any part at all in the private bills, and that if there was a private bill in which we had any interest we should abstain from attendance on the day of nomination.

675. Mr. *Hume*.] When did that come into operation?—It came into operation on the first opposed private bill of this session. Upon the Oxford and Great Western Union Railway, Lord Devon moved the House that the bill be read on that day six months; in consequence of his having taken that part he abstained from being one of the five, and the other four named to the House the committee. I have drawn out a return of the number of opposed bills we have had this session, the names of the peers who composed the committees, and the number of days on which they sat; the object of the five peers has been to select peers that have no interest at all, and indeed as little knowledge as possible of the locality or even of the county; our object has been to consider those five peers as a jury, to give their decision according to the evidence brought before them, and not from any knowledge they may possess out of the House. The first opposed committee was the London and Croydon Railway; Lord Roseberry was the chairman; the other peers were, the Earl of Hardwicke, Earl of Wilton, Earl of Ripon and Lord Heytesbury; they sat for three days; the bill passed with a new compensation clause substituted for the original compensation clause, and with other amendments, and has received the Royal Assent; the committee adjourned the first day at a quarter before three, and reported specially to the House that "the parties promoting the bill not being prepared to produce certain additional evidence which the committee considered necessary, the committee adjourned at a quarter before three o'clock until Monday next." The case in support of the bill having been on all other points concluded, I must explain what the evidence was that the committee required; the London and Croydon Railway Bill had, I believe, something to do with the Brighton Railway, and the committee thought that before they could give their assent to this bill they ought to know whether there was any probability of the Brighton Railway being carried into execution; they therefore called upon the parties to give evidence of what was taking place with respect to the Brighton Railway; the parties were not prepared for that evidence, which will account for their not being ready. The next was the Edinburgh and Glasgow Railway; the Marquis of Northampton was in the chair; Viscount Hawarden, Lord Fitzgibbon (Earl of Clare), Lord Seaford and Lord Fingall. They sat for 15 days. The Royal Assent has been given to that bill. They adjourned on the eighth day at three o'clock, and reported specially, that "the counsel, on behalf of the petitioners against the bill,

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having opened his case, was not then prepared to produce the evidence in support thereof." If I may be allowed to make an observation, this is only the first year of the working of this, and the counsel have not got quite acquainted with the strictness of the rule; but if I am to give my own opinion, I hope another year the committee will never adjourn before the proper hour, but that if the counsel are not ready, they will do what a court of law would do, decide without it; because if that is not done, the counsel are apt to be a little negligent in bringing their evidence, and that puts parties to great expense; I think it should be departed from only in very extraordinary cases. They again adjourned on the twelfth day, at three o'clock, and reported specially, that "the evidence adduced on behalf of the petitioners against the bill was at an end, and the counsel for the petitioners was not prepared this day to sum up the said evidence." I do not mean to say that would be a case in which they were not quite right; having got rid of the evidence by three o'clock, most probably the counsel would not be able to finish his observations in an hour; but I think they should not generally adjourn at an early hour.

676. Mr. Aglionby.] Does your Grace think it would answer as well if you were to refuse giving the leave of the committee to an adjournment to another day, unless on the penalty of paying the costs the party would sustain?—I think that would be a very good rule; the object is, that the counsel and the parties may be made aware that they must go on and not lose time. Fishguard Harbour was the next; Lord Hatherton was chairman, with the Earl of Morton, the Earl of Effingham, Lord Sheffield and Lord Rayleigh; they sat for three days, and passed the bill, with compensation to the petitioners, and some other amendments. That bill is now, I believe, in the House of Commons. There was no adjournment at all. The next is the Wadsley and Langset Roads Bill; the Marquis of Salisbury was in the chair; Lord Abingdon was one of the members of the committee, Lord Sondes was the third, Lord Foley was the fourth and Lord Gage was the fifth; but it adjourned the second day without proceeding, and reported specially that Lord Sondes was unable to attend this day in consequence of the illness of his son; his son met with an accident and was very nearly killed at Eton; he left town immediately, believing his son to be very dangerously ill. The committee therefore applied for leave to sit in his absence, which they did, leave being given; they sat two days, and also prayed leave to adjourn the next day, which was Saturday, at three o'clock; the reason was not given, bat the House allowed it. Lord Foley was originally appointed on this committee, but it was found that he was either out of town or on duty as one of the Household of Her Majesty, and Lord Carbery was therefore substituted. The next was the Lough Foyle Drainage Bill; Lord Brougham and Vaux was in the chair, Earl of Leven and Melville, Earl of Dartmouth, Earl Cowper and Earl of Camperdown; they sat one day, and obtained leave of the House the first day to adjourn for an hour, Lord Brougham being in attendance on an appeal case; the committee sat that day and reported the bill; it was re-committed to the same committee to take consents, and the committee was ordered to meet again the next day at two o'clock for that purpose; in point of fact, it was one day, and a short portion of a day; they then committed it to take some consents which were necessary. The next bill was the Glasgow Waterworks; the members appointed were Viscount St. Vincent, the Earl of Gosford, Viscount Falmouth, Lord Keppel and Lord Littleton; Lord St. Vincent was chairman; the first day, on which there were no proceedings, Lord Kenyon made an objection to serving, on the ground that he was upon the Select Committee on the Poor Law, which was then sitting; the House therefore excused him and substituted Lord Portman, and Lord Portman took the chair of the committee. I have stated that Lord Bandon was named upon the committee, but by mistake of the officer of the House of Lords, Lord Bandon was not summoned, and he was not aware of it; the committee therefore met, but could not proceed; they reported this to the House, and the House inquired into it, and found it was a mistake of one of the officers; therefore they desired the committee should meet again.

677. How long did they sit?—They sat five days, having adjourned over three days; I took notice of the adjournment in the House of Lords, and complained that they had so done; the committee said, "One day was the Coronation, and that they wanted one day before and one day after." I considered that a very insufficient reason, and if I had been in the House at the time I should have opposed their leave of adjournment; and, I believe, the House in future will never allow adjournments on grounds of so slight a nature. The question of leave was brought

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brought on on that day at half-past four, and I believe in future those matters will not be brought on except during the usual hours of business. The next was the Portfield Allotment; Lord Bexley was the chairman; Earl of Verulam, Earl of Stradbrook, Earl Vane, and Lord Foley, who was not then engaged on his duty in the Household. The committee sat for two days; the bill was passed with amendments, the parties having come to an arrangement; it is waiting for the Royal Assent. They adjourned the first day, Friday, and made a special report, and asked leave, for the convenience of the parties, not to sit again till the Wednesday following; that was on the ground of an amicable arrangement. The last was the Oxford and Great Western Union Railway; Marquis of Breadalbane, chairman; Marquis of Tweeddale, Viscount Sydney, Lord Howland (the Marquis of Tavistock), and Lord Lilford; they sat for seven days; the committee having heard evidence for the bill, and in part against it, resolved that it was unnecessary to call upon the opponents to produce further evidence, the case of the promoters not having supported the preamble to the satisfaction of the committee. On Tuesday 26th June, general leave being given to adjourn over Thursday (the Coronation day), the committee asked leave to adjourn also over Friday, and leave was given to adjourn to Monday; the committee sat the next day (Wednesday), and then adjourned to Monday.

678. Mr. Lefevre.] Does the naming committee appoint the chairman, or does each committee choose its own chairman?—Each committee chooses its own chairman, and there has been a great disadvantage this year. There has been a committee sitting on the Poor Law nearly the whole of this session, and on that committee are a great many peers who, in former sessions, were in the habit of taking the chair, and therefore we have had this year several peers taking the chair who previously had not been in the chair in committees.

679. Mr. Hume.] Has it been a rule laid down that noble Lords on public committees should not be named upon those committees?—There has been no such rule laid down, unless a peer has given that as an excuse, and has stated that he is occupied on other committees, and could not conveniently attend.

680. The intention is, that every one should attend continuously on the committee?—Certainly, if once named, they must attend.

681. Chairman.] Will your Grace have the goodness to state the mode of proceeding of the committee of five; in selecting the committee, do you discuss the different peers whom you propose to put on?—The way in which we have done it is this: we have the bill laid upon the table; we see what that bill refers to, and to what counties it refers, and then we get a list of the House of Lords, and select, and talk over whether it is probable that those peers have any knowledge or any interest, or even we have gone so far as whether they are connected by marriage or relationship with any individuals who may have an interest in it.

682. Viscount Ebrington.] Do you require from them any assurance on that head?—No, we do not; but our reason for talking it over amongst ourselves is, that if we were to put any peer on the committee after the Members understanding that they were not to be interested, we should be obliged to put on some one else, being satisfied that no peer will, after this system has been established, almost I may say unanimously, attend upon it, if he has a bias.

683. You consider that if any peer had a bias, he would be bound to state that?—I think that with that Standing Order, if any peer had a bias, he would be bound to state it.

684. Lord G. Somerset.] Or if he had a local interest which might create a bias?—Yes.

685. Chairman.] Have there been any discussions in the House on private bills this session which have passed through those committees?—I am not aware that there have been.

686. Lord G. Somerset.] Is care taken to ascertain before the appointment of the committee, that the Lords summoned upon it are willing and can attend?—We sometimes ask whether they can, but in some instances we have not asked the question; we conceive they are bound to serve.

687. It is not considered necessary to inquire whether they are willing and can attend?—No, I know in one committee, we have not asked any of them, but on other occasions, in case of meeting a peer in the House, we have asked him.

688. Viscount Ebrington.] What previous notice do you give them before they are called upon to serve?—I think it is two days.

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689. In the course of those two days they are expected to make any excuse in case they are unable to serve?—Certainly.

690. Mr. Hume.] Do you ascertain whether they are in town?—Yes.

691. Had any difficulty arisen in the working of this plan?—I think not. I do not mean to say that the peers were particularly pleased when they have been told they were placed upon a committee; they have said that they hoped it would not be a long one; but I have not heard of any peer who has refused to serve. One peer came to one of the naming committee, and stated that he was willing to serve, and that if he served at all it would be more convenient for him to serve at that period.

692. Mr. Hume.] In what way would attendance be enforced?—There is no means of enforcing the attendance at the present moment, with this exception, if the House appointed a peer and he did not attend, I conceive that it would be open to any peer to move a vote of censure upon his Lordship for neglecting his duty.

693. In consequence of those regulations being laid down, has any resolution of the House been passed requiring all who should be so named to attend?—No, it is taken for granted that they will do so without coercion. In the Queen's trial the peers were ordered to attend, and I believe there was a resolution that they should be fined if they did not attend; they did attend, and it was fortunate, for I do not know what means we had of levying that fine.

694. Chairman.] Is your Grace of opinion that the working of the private committees has been better under the new system than under the old?—I believe so; it stands to reason that it must be so, for those peers are perfectly qualified to decide rightly. I am quite certain the public must have much more confidence in a case being decided by five men who have heard all the evidence, rather than have it decided by a majority of peers who perhaps never listened to one single syllable, which was the case formerly.

695. Does it not appear that a considerable time has been saved?—I think there has been some time saved; but I do not think in every case, looking at one which sat for 15 days, that that is very short; but perhaps I should say that the counsel take advantage of a young chairman.

696. In some cases pretty strict rules with regard to the proceedings by counsel have been laid down by the chairman?—Yes; we have very strict rules.

697. Is your Grace of opinion they have been adhered to?—I believe so.

698. Mr. Hume.] Is there any regulation as to the number of counsel who should attend on either side?—There is none, I believe.

699. Viscount Ebrington.] Do you think the arrangement, by which each committee is empowered to choose its own chairman, preferable to the giving the choice of the chairman of different committees to the nominating committees?—I think it is better to leave it to the committee, and that is following the practice of all select committees in the House of Lords. I think it is difficult enough now, and I may say it is unpleasant enough now, to have to select peers, without throwing upon those five any additional duty. I think the committee themselves are better able to judge who is the man that will do the business best.

700. You think, practically, the choice generally falls on the person who is best qualified to fill that situation?—I should say that is the case; we have, in naming the committee, generally selected some one peer who, we thought, would be suitable to fill the chair.

701. You do not think that the advantage, which you state to have been in some cases taken by the counsel, of a young chairman, would be most likely to be avoided in the event of the committee of five nominating the chairman?—No, I think not; because I think they have selected those who have been most in the habit of attending committees. When I speak of a better chairman, I mean a peer more in the habit of attending select committees, and who therefore has more confidence in himself. If the counsel find that the chairman has not quite confidence in himself, they are apt to take liberties by making frivolous objections.

702. The chairman was usually selected from a small number of peers?—The chair was taken, I believe, formerly, invariably by the peer who moved the second reading of the bill in the House, and therefore a peer who was in favour of the bill.

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703. Lord G. Somerset.] And also, generally speaking, a peer of some experience?—The parties, generally, apply to peers whom they consider to be of most experience.

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704. Do not the chairmen consider themselves bound, as far as stopping frivolous objections, to act with impartiality?—I conceive so; I never heard any objection to the manner in which the authority of the chairman was exercised, nor to the conduct of the peers who attended the committee, but I think there was great dissatisfaction in seeing just before a division, four or five on each side, for it was not confined to one side, coming in and voting.

705. The chairman kept the counsel, if he was a good chairman and had a confidence in himself, in good order, and did not allow them to take a course contrary to that which was proper, even though it was favourable to his own views?—I think he was generally a man of great experience, but that he felt he ought to give more latitude to the counsel against the bill, because he was supposed to be in favour of it. I think that is one of the advantages of the present system, that the chairman having expressed no opinion, he may keep the counsel in better order than if he was supposed to be a partisan. I will add one word on the case of the Oxford and Great Western Union Railway; the bill was opposed on the second reading, and in selecting the peers to be put upon that committee, we took care not to put a single peer who had voted one way or the other.

706. Mr. Aglionby.] Was not the chairman on the old system generally a peer connected with the promoters of the bill, or the particular locality, and therefore who had some knowledge of the circumstances?—I am not able to answer that question; I believe the Parliamentary agent or solicitor generally recommended the parties to apply to the peer best calculated, in his opinion, to manage the matter.

707. Upon the whole working of the system, does your Grace think it better to take the five peers from among those totally unacquainted with the bill, rather than to allow any of those peers who may have a general information without partial bias to sit on the committee?—I think they ought to be men who have no connexion with the vicinity; I think they should act as a jury only, and decide upon the evidence brought before them, not at all on what they may have known or ascertained out of the House.

708. Not like the old jury *de vicineto*?—No.

709. Supposing any peer connected not with the circumstances, but connected with the county in which the undertaking was situate, wished to appear in the committee, would he be allowed to give any information unless he was called as a witness?—He certainly could not, except as a witness, be allowed; in the Standing Orders there is a particular Order by which every peer may attend every committee, and speak, but not vote if not named; we therefore were obliged in these new Standing Orders to prevent peers speaking; therefore we have put it in the form we have done; they may of course attend, as strangers may attend, but they must not say a syllable.

710. It would not be inconsistent with the rules of the House if a peer desired to be called as a witness?—Certainly not; he may be called like any other person.

711. Mr. Hume.] All the committees are open committees?—Yes.

712. Chairman.] Under the old system, was not it notorious that there was a great deal of canvassing went on?—Canvassing by every mode, by letter and by personal application.

713. Has that canvass entirely ceased, or does your Grace think that the five members of the select committee thus named are exposed to it?—Certainly not; there is no canvass at all, I believe; I do not know whether any parties speak to them about the matter, but I do not conceive either of the named peers would allow any person to speak to him upon the subject.

714. Lord G. Somerset.] Your Grace does not mean to say that the committees are open when they deliberate, but only when they hear evidence?—The parties withdraw as they did before; when the proceedings are closed, I conceive that peers might stay in the room at that time, but I should think it injudicious.

715. The public are not at liberty to stay during that time?—No.

716. Mr. Hume.] Has your Grace considered how far it might be advisable to allow parties to remain, during the discussion and decision?—No, I have not; I

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should not see the least objection to the parties remaining while the discussion was going on, though I do not see the use of it, because the parties, of course, could not be allowed to say a word, and perhaps it would be better to leave it as it is with a jury; the court does not hear what the jurymen say to each other.

717. The alleged advantage of that is, that it would be open to the public animadversion, and that that would form a check upon any supposed improper bias?—I do not think that is necessary; under the old system I do not think that there was very often injustice done, but I think they got at it in a very bad way; I think generally in canvassing, if they got eight men on the one side they got eight on the other; it did not make much difference, though it made a great difference in the opinion of the public, and was, in my opinion, very objectionable.

718. Viscount *Ebrington*.] Though great injustice may not have been done, was there not an impression entertained by the public that justice was not done?—I think that must have been the impression the public entertained, and I know it was extremely inconvenient; I have sat as chairman for 15 or 16 days, and listened to the whole of the evidence, and then found peers come in voting who had not attended; and another inconvenience was, that a peer came in after the committee had been sitting two hours, and put a question which had been put before.

719. Mr. *Aglionby*.] Does not your Grace think there is an advantage attending the private discussion and exclusion of strangers during the deliberation in this circumstance, that very probably peers would find that they could enter more freely into the discussion among themselves than if they entered into the argument before the whole of the public?—Yes; I should not care much about it, but wishing to assimilate it to a jury, I do not see why it should not be done in the same way.

720. Is there any reason why the same course should not be adopted as is followed with respect to juries at the assizes and quarter sessions, and the judges when they wish to confer upon any matters?—I should as soon say what I had to say before the counsel and parties, provided they could not re-open the case and argue it again, as I should on the third reading.

721. Lord *Somerset*.] Take the case of a railroad; should not you feel some difficulty in discussing the evidence of different engineers before the parties, when they have given contradictory evidence, considering that you are called upon to say, "I prefer one of the witnesses' evidence to that of another"?—It would not make the least difference with me; I should not have the least hesitation in expressing my opinion as to either of the gentlemen, for I should do so upon the third reading if I conceived it right to object to the third reading.

722. Viscount *Ebrington*.] Does not your Grace think that with some parties the fear of misrepresentation in the event of the public being admitted might make the performance of the duty more irksome than it is at present?—Perhaps so; I do not see the great object of allowing the parties to be present during the deliberation after the case has been closed.

723. Mr. *Lefevre*.] In case of a division, are the votes of the peers recorded?—I think they are not, but they were under the old system. The Committee will recollect I have not been upon any committee; I believe they have been in general unanimous; in one of them, the Oxford and Great Western, I know they were unanimous, and I understand they have been so throughout.

724. Mr. *Aglionby*.] Would your Grace see any objection to the names being recorded as they used to be?—Not in the least; I cannot see the slightest objection; I feel certain there could not be the slightest objection on the part of any peer.

725. Viscount *Ebrington*.] Would there be a great advantage in its being generally known that decisions have been unanimous; where such had been the case, would not that be likely to weigh in any subsequent discussion?—Yes, I think that the chairman generally states that to the parties; in the old committees we were always very eager to communicate that fact when it occurred upon any question.

726. Have the minutes of either of the committees been called for and laid before the House?—The evidence has all been printed and laid before the House, but the minutes of the committee have not been ordered in any instance.

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The Right Hon. Lord *Granville Somerset*, a Member of the Committee, was Examined, as follows.

727. Mr. *Lefevre*.] WAS your Lordship chairman of the committee on the Great Western Railway Bill in the session of 1834?—I was; I sat in the chair, I think, 51 or 52 days, and the committee sat during my temporary absence three or four more days.

728. During the whole of that period, was there a full attendance of the members of the committee?—The attendance, generally speaking, was considerable, but at one period, when there was a good deal of mere common-place evidence, not much affecting the parties, the attendance was confined to a few members.

729. Did your Lordship observe that any delays were occasioned by the non-attendance of the members of the committee, who were at that time attending other committees, but who afterwards came in and pursued a course of examination, which, if they had remained in the room, they would not have done?—That I have seen in very few instances, I cannot at this moment call to mind any Member coming in in the way described in the question, and putting irrelevant questions, or questions which had been asked before; it is possible that the counsel on either side might have wished to inform some Member on some particular point; in that way questions might have been repeated, or questions of the same nature put, which would have been avoided if there had been a constant attendance; but I do not attribute the delay in that committee to anything like the constant repetition of such a practice.

730. Does your Lordship remember how many Members voted upon the preamble of that bill?—I should think a very large number; the preamble was carried by a small majority, I remember; but it is necessary, in reference to the extraordinary length of that committee, to recollect that, in the first place, it was a question involving very serious interests; and in the next, that there was a disposition on the part of various persons to throw every possible impediment in the way of that investigation, and they had the means, from a concurrence of circumstances, to do so with great effect.

731. Does your Lordship think that a large number of the Members who voted on the preamble did not hear the evidence?—I should think not; but I must qualify that by saying, that though most Members might have heard some portion of the evidence, I think they had not heard the whole of it; but I do not think that it involved any great dereliction of propriety on the part of those Members who had given occasional attendance, only to have voted on the preamble, for the opposition was split up into so many parts that it was possible for a Member to vote against the bill who had not heard the whole of the evidence given in support of the opposition to it; and, on the other hand, it was perfectly fair for many Members to support the preamble of the bill who had heard only some of the main evidence brought forward, but had not heard some part of the evidence, or some observations against it arising out of particular circumstances of local opposition. The Great Western Railway Bill involved a line from London to Reading, and from Bath to Bristol. In regard to each portion the opposition was of various character, and I think I am not very much mistaken when I say that upon the average there were at least five parties constantly in the committee representing different interests and different feelings, but all united in opposition to this bill; all those parties claimed to be heard of right, and they also claimed the right of cross-examination, and no tribunal, however constituted, I apprehend, could have refused it. I should say that if any tribunal whatever had been in existence at that moment those proceedings must have been of very great length. I was absent four days, and the whole of those four days and some others were spent by counsel in summing up, and I do not see what tribunal could venture with propriety to stop a counsel in summing up on behalf of his client, or contract that course of proceeding which might seem requisite for the interests of his client. My belief is, that it was the object of counsel in opposing that bill to spin out the time as much as possible, but I do not think that that was done in such a manner that any fair tribunal could have prevented it. I may further say, that though I took a strong interest in the measure, my intention was, and I believe I carried it pretty fully into execution, to prevent vexatious delay on the one side as much as the other; and I did not feel myself bound to permit what I considered vexation on the part of the opponents; neither did I intentionally permit vexation on the part of the promoters; but in a committee involving so many interests it is fair to state that I believe counsel would occasionally,

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for the sake of delay, raise questions which they knew must be decided by division; and to that extent, no doubt, the large number belonging to the committee would have the effect of causing an unnecessary loss of time.

732. Mr. Greene.] In the course of the proceeding of that committee, were there not a vast number of divisions taken on incidental points, previous to the general division on the preamble?—There were certainly a good many divisions on points of evidence; and there were two or three divisions taken, involving, in fact, the main principles of the bill, and which I might at the moment have considered rather vexatiously taken; but I do not think they were so numerous as to justify a general charge of vexation on the part of the opponents of the bill.

733. Do you think in the course of those divisions, the committee were occasionally taken by surprise?—I cannot be very accurate upon a point of this sort at this distance of time; but my recollection would be, that on about two occasions the committee were taken by surprise; that is to say, a large number of the opponents of the bill suddenly appeared when we were beginning the regular course of proceeding, and raised some question or other, the particulars of which I do not recollect, but which would have involved the destruction of the bill if their point had been carried; practically it had no effect, except once or twice the waste of an hour.

734. At such times had the promoters of the bill summoned Members for the purpose of meeting this opposition?—The promoters of the bill generally contrived to muster strongest in the morning; it was at a time when railroads were getting very much into vogue, and no doubt there was a very anxious desire on the part of a number of Members to support that bill through the committee; but when I say they mustered strongest in the morning, I must use this qualification, they were generally aware what was going to take place during the rest of the day; and if they left their post in the committee, it was merely while the promoters of the bill were strengthening the evidence of the day before, or confirming evidence previously given by a second class of witnesses coming in support of the first; Members then used to leave the committee, but I can hardly call to mind any day in which, for any number of hours, there was not a positive quorum; there were always five or six or seven Members present.

735. Were the Members who generally attended the committee, those who were the parties locally interested?—I should say that those who actually sat in the committee-room the greatest number of hours, were the parties locally interested; for instance, one of the then Members for Bristol, Mr. Baillie, was very seldom absent during any part of the proceedings; I think, on the other hand, some of the local opponents of the bill were almost always present; there were some other persons who were not locally interested, but who from connexion took a very strong and active part in favour of the bill, who were constant in their attendance. On the whole, I should say the persons locally interested in favour of the bill were more sedulous in their attendance than those locally interested against it; but those who did take a strong local interest in it, either in support, or in opposition, generally knew what was going on, and knew the merits or demerits of the case very accurately.

736. Viscount Ebrington.] The constant attendants were generally composed either of the parties interested in promoting, or interested in opposing the bill?—I think there were two or three Members who were interested in its success, but in a very indirect manner, who were as constant in their attendance as any other gentleman beside Mr. Baillie and myself; it was a perfectly honourable feeling, and a natural feeling; they acted very fairly on the subject; and I think they voted against the wishes of the promoters of the bill on some minor points; and they were not, strictly speaking, locally interested in it.

737. The question applied generally as to the majority of parties who were most constant in their attendance, whether they were not composed of parties not personally, but on behalf of others, interested in promoting or opposing the bill?—I think it will be a safe answer to say, that persons who attended the greatest number of hours in that committee, were persons representing parties whose interests were affected either as supporters or opposers of the proposed measure.

738. And whose minds were very much made up upon the subject before they came into the committee?—Yes; I think there were a certain number of Members who felt very strongly the desirableness of carrying the Railway Bill, and many who felt a strong hostility to it; but I must again repeat that my belief is, that though some portion of that time, perhaps a large portion of it, might have been saved had

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had the committee been composed of fewer Members, and had they sat regularly from eleven till four; upon the whole the delay was not to be attributed so much to the composition of the committee as to the complication and the inveteracy of the opposition to the measure, and to the determination of the opposers of the bill, who, I rather think, appeared by counsel, to speechify and cross-examine to any extent whatever, provided they could spend time; at the same time, I do not think that could have been hindered without breaking through all the ordinary rules that ought to be observed in hearing a case of that sort.

739. *Chairman.*] Was there an opposition to that bill on the part of parties interested in other existing lines, or another line proposed to be made?—There was one strong opponent party in the back ground, which was the Southampton Railway; and another opponent party, which was a company to carry into execution a projected railroad through Windsor, or close to Windsor; I cannot recollect precisely how long those parties acted in opposition, or whether it went on to the end, but I have little doubt that the opposition to the measure was supported pecuniarily, and I have no doubt of rival projectors strengthening the opposition to it in other ways.

740. Were those parties who could not appear by their own counsel the persons instigating the opposition, though a third party?—I do not think they instigated the opposition, but that they took advantage of the opposition which was brought forward; I wish to speak with diffidence; I am not aware of any fact which would justify a positive assertion, but my opinion is, that there were at that time rival projectors, who furnished the landowners and other parties whose interests were opposed to the measure, with the means of prosecuting their opposition.

741. Of course, they would use their influence in the House, whatever it might be, to get Members down on their side?—No doubt of it; it was quite clear from the various divisions that took place, that parties who might be supposed to be interested in rival measures, were active in inducing their local Members to come forward; but, on the other hand, I think, perhaps, there was a fair balance between the promoters and the opponents; however annoyed I might be by the opposition, I do not think, on reflection, it was ever done, in what I should consider an unfair manner. I would observe, upon this railway there were no less than four counsel on behalf of the promoters of the bill, and at different periods nine or ten counsel in opposition to it, besides agents who acted as counsel. I should be very glad if the Committee could furnish themselves with a return of the parties who appeared by themselves, their counsel and agents in opposition to that bill; by appearance, I mean actual appearance in the committee.

742. In the committee, did there appear any instances in which you think the presence of local Members shortened the proceedings, by the adoption of a compromise between parties, or by their making suggestions which saved time?—I recollect an instance of one individual whose opposition would have been very important, but who retired from opposing the bill in committee by arrangement; but I am not prepared to state that that was in consequence of any person locally connected with it, or in any way connected with it, being present in the committee. I have an impression also that two or three minor opponents were conciliated by propositions brought forward by Members of the committee, but I have not a sufficiently accurate recollection of the means by which the compromises were effected to speak to that.

743. In your Lordship's experience in private committees, have you observed that in many committees instances of that kind have taken place?—I should say that railroads and committees of that character were less likely to produce those instances than bills of a less important nature, and affecting less extensive tracts of country. I have on various occasions, particularly on points connected with my own constituents, been able to effect arrangements after perhaps spending one or two days in committees without any expense to the parties, and placed matters on a just principle, in a way that no person, not locally connected with the measure under consideration, could possibly have done, for I have induced parties on both sides to concede either by my own influence, or by showing to them the disadvantage on the one hand of resistance, and on the other of not being satisfied with that which was conceded. Thus I have been useful both to the promoters and to the opponents; to the one I have saved expense and trouble, and for the other I have obtained what was fairly their right. I am now speaking of individuals who have only addressed me privately, and made me the organ of their communication, and not those who have attended regularly by means of petition. I think I could, on consideration, point out many cases of that sort, and even with regard to bills,

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involving greater interests; such cases as these may arise for instance with regard to persons whose small pieces of land might be affected, but who could not afford to appear before the Committee of the House of Commons, by paying fees and having a regular agent. I can state that many instances have occurred in which justice has been done without expense, which would not have been done without considerable expense before a tribunal entirely composed of Members not locally connected or locally cognizant of the bearings of the case. I wish to observe, in regard to an answer given by Mr. Burke to the question No. 61, "May not Members, and do they not occasionally, refer to the short-hand writers' notes of the whole evidence?" To which the answer is, "Very rarely, I think." That I cannot answer for others, but to the best of my recollection, I never myself interfered in any matter before a committee on which the evidence was of the slightest importance, without having been present or referring to the short-hand writers' notes; and I cannot help thinking that Members, if they do not continue in their attendance on committees, do look over the notes of the short-hand writers so as to have a general knowledge of the evidence. I have certainly seen in the Great Western Railway a number of Members come in who were not present the day before, but who were very anxious to get the notes of the evidence given in their absence to read them over. When I state that, it applies as much to the one side as the other; the notes were in my possession, and I recollect they were very often asked for.

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744. *Chairman.*] YOU have had considerable experience, have you not, in committees on private bills during the last few sessions?—For four or five years past I have.

745. Will you state to the Committee what your opinion is with regard to the working of those committees under the present system?—My opinion as to the working of the present system in the House of Commons is certainly that it is very far from perfection. I think that measures are at times carried or rejected in a manner very inconsistent with purity or with justice; I think that the system of interference of Members who have not attended and heard the whole of the evidence, is certainly inconsistent with justice; I cannot say otherwise; but the point upon which I expressed an opinion to an Honourable Member just now was rather directed to the new system than the old; at the same time I can have no objection to state all I know or think upon the old system, if it is desired. The old system, while it is very far from perfection, contains also the elements of very great advantage.

746. What do you mean by the old system?—The system at present existing in the House of Commons; there is much important information which Honourable Members possess, and there is a great advantage in that being in the possession of some Members of the committee, rather than their receiving it by the suggestion of counsel; there are some points on which they cannot be informed, and I think it is perfectly consistent with probability and reasonable anticipation, that the effect of excluding the possibility of the suggestion of local information will be to lead to very erroneous conclusions on some matters. My experience of the new system of the House of Lords leads me to think that that is correct, at least if I am to judge from what I have seen. I should, however, say my experience has been very small; there have been but two committees which I have attended; in both cases the decision was against me; and in both cases, if I may venture to say so out of court, I think they were wrong: on the first case I had an opportunity of obtaining what I call local information afterwards, and my opinion is that if I had been earlier possessed of that local information, I might have led the committee to a very different conclusion; the result to which I have come upon that information is this, that it will be absolutely necessary to introduce into the committee at all times the means of looking at the evidence produced with something like what I may call an out-of-doors knowledge upon the subject.

747. Was it not in the power of your clients to have furnished you with that local information beforehand, so that you would have had an opportunity of producing it before the committee?—Yes, it was in their power, to a certain extent; but the statement either of the attorney to the counsel, or the counsel to the committee, does not come with that weight which the statement of a Member acquainted with the place he represented. His statement might be expected to have a considerable influence with the committee. With respect to the case which, I believe, was mentioned by Mr. Burke as a precedent, in which the measure of alteration had worked

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very well, and where it had secured the passing of a bill which affects the interest of a noble Lord, where he might be considered as interested in a pecuniary way in the measure, which he apprehended under the old system would have had no chance; that is the very case in which I subsequently acquired my local information, and I think it is such as ought to have been laid before that committee, but it could not have been laid before it but from such a source as I have adverted to; and if I may venture to give an opinion, it appears to me the necessity for such local information, and the importance of affording it to committees of the House of Commons, is very much increased by the means of acquiring it being excluded from the committees of the House of Lords. If it is conceived desirable that the inquiry into a private bill should be effected apart from the possibility of local prejudice or local means of knowledge in the one House, it is the more necessary that it should be infused into the other.

748. In the case to which you have referred, if you had been in possession of that information beforehand, so as to lay it before the committee by means of evidence, do you think their decision might have been a different one?—I do not think that counsel could have done it; I think a Member of the committee might have led them to a different conclusion if he had been in possession of that information, but I do not think counsel could have done it; I think it is just that sort of information which a party residing upon the spot could give. They might say, "I live upon the spot, and know that what the witnesses say may be consistent with truth, indeed;" but that which they say, as to the consequences, is said without taking the whole matter into calculation, and there is no ground for such an unlimited opinion.

749. Mr. Greene.] What is there to prevent your putting a witness of that description into the box?—I do not know whether that is permitted; I might have done that, certainly, but not even then I think with so much effect.

750. Lord G. Somerset.] Would you have felt yourself justified in putting a Member of the House of Commons interested on behalf of his constituents into the box?—I do not know that I should not feel myself justified if the House gave me power and the party was willing to come, I should have no reluctance in advising my client to produce such evidence; but I do not think the evidence has the weight from a witness in the box which it has from a judge on the bench.

751. Mr. Freshfield.] You attach importance not to the fact itself, but to the quarter from which it comes?—I do so, certainly, at least when opinions are to be balanced.

752. Lord G. Somerset.] Have you not seen in committees of the House of Commons a great number of minor interests of parties protected by the interference of their representatives in the committee, and thereby the expense saved to the parties?—Most certainly, in many instances, and much expense saved to the parties; but at the same time that I am bound to say I do not think that the result has always been consistent with justice.

753. Have you seen that in cases upon points of small importance to the public, but of great importance to individuals?—Yes.

754. Have you not seen constantly arrangements made with promoters of bills which have not prejudiced the interests of the bill, but have at the same time saved the interests of the parties?—Yes; I think I can give an instance of a railway last year in the House of Lords, from Manchester to Birmingham; it was proposed to take the lands which constituted the endowment of a school; Lord St. Vincent happened to be one of the trustees of the school; he attended throughout, and in consequence of his interference certain clauses were introduced securing the interest of the school without expense to the foundation; I forget whether the bill passed or not.

755. Do not you suppose that the effect of this new tribunal in the House of Lords will also be a check, in a great extent, to improper determinations in the Commons?—Yes, I think it will, no doubt. I begin and end by stating, that I think that the new system in the Lords is a very great improvement, and likely to tend to the promotion of justice eventually; but I think it will need correction, and if the same system is adopted without qualification in the Commons, it will not go on. I have other objections, which I should like to state, if you will allow me. I think it will be found impracticable, tied down as the peers are, almost with more rigour than you tie down Members on an election committee, to investigate the merits of a private road bill; I think in one case, which I have attended, impatience had something to do with the irregular determination of the case.

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I will just state what the circumstances were, in order to show that it was irregular. I was counsel for the bill; we were heard not at considerable length; we were three or four days in evidence, a great part of which was occupied by Sir Charles Wetherell's cross-examination; at the end of that came Sir Charles Wetherell's speech, which occupied a day, and then his evidence was heard for two days; then to my infinite surprise (for I was persuaded I had the majority of the committee on my side) I was called in, and was told I was nonsuited on my own case; which to any one who is conversant with courts of justice or the practice of committees, was manifestly an irregularity. I remonstrated, and stated that I apprehended the defendant's case having been gone into, my leader was entitled to a reply; on which the committee said, "We are satisfied with the weakness of your own case." I then said, "Why did you hear evidence against me?" Upon which they rejoined, "We thought that evidence important." I then stated that I thought as that evidence had produced some impression, I was entitled to see whether I could not remove that impression; no doubt they would have heard me, but as it was of no use "kicking against the pricks," I retired. I mention that to show that great impatience of restraint will lead committees to come to decisions to which they ought not to come; and I think I have the more reason to state that in that case, because in the course of our evidence, which they had subsequently stated was deficient, namely, the evidence of the commercial community at Oxford, we were repeatedly urged by the committee to leave that branch of the evidence, and to go to the evidence of the engineer; so that I positively abandoned that branch of the case, which turned out to be the pinch of the case, on the suggestion of the committee.

756. Do you conceive that five Members of the House of Commons appointed to investigate a bill, on which there was a good deal of contest and opposition, and in which they felt no local interest whatever, would be more likely to be patient?—No, I think they would not; they sit later at night, and they have more to do. You will remember that I am not suggesting a remedy.

757. *Chairman.*] I think we may gather from your opinion, that one of the faults to be found in the present mode of conducting the committees in the House of Lords, is, that they are inclined to jump at their conclusions; you think that that system does not ensure so patient and so deliberate a hearing as is the system in the House of Commons?—I think that will be the result from my little experience; I may be quite wrong about that case, but my impression is, that the committee were so much bored, that they were glad to get rid of us; I cannot otherwise account for the irregular steps they took. If they had gone into the defendant's case at all, they should have gone through, and have heard the other side in reply. I cannot help thinking there was a little pressure of *ennui* which led them to come to that conclusion; at the same time, I wish to speak of them with great respect; a more honest committee I never saw.

758. Does this committee of the House of Lords report their decision of the case, whether their decision is favourable or adverse to the bill?—I believe so.

759. An opportunity would thus be afforded of objecting to any proceedings of the committee, would there not?—Yes, and that is one of the objections which I apprehend from the entire exclusion of local interposition; and I think when the public eye is a little more removed from the improved system than it is now, the effect will be, that you will have decisions of committees much more frequently canvassed and reversed in the House than they were before. Persons who are acquainted with the subject, and who knew the decision to which a committee have come, to be, in point of fact and real justice, erroneous, will not tolerate it. The House of Commons, who sends them there, and those in the House of Lords who act on them, will not tolerate the result, but will endeavour to set themselves and their interests right in the House generally; and I think you will find the result will be, particularly in the House of Commons, that the decisions of a committee will be much more often reversed than they were before.

760. Conceiving your client aggrieved rather by the irregular mode of proceeding in this committee, did you consider the propriety of appealing from that decision, or having the circumstance stated to the House itself?—I did not consider it; I had a professional engagement elsewhere, and I went out of town immediately; on coming back, I found my clients had considered it, and they thought, as the committee had been unanimous in that opinion, and as the effect would be a re-committal to the same tribunal, they had better avoid further expense; I think they were quite right; I should so have advised myself.

761. Would the effect be a re-committal to the same tribunal; are you quite sure

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sure of that?—In that event it certainly would, because the resolution of the committee was, that the preamble was not proved; if it had been *vice versa*, if it had been that it was proved, the House could have reversed it.

762. Are you of opinion, speaking of the House of Commons, that an appeal, such as we have just now stated, from the decision of a committee to the House itself, is generally attended with advantage, that the House is at all competent to decide questions of that kind?—No; and that is one of the reasons why I object to the new system. I deprecate the exclusion of local interference or local advice in a committee, on the ground that it will lead to appeals to a tribunal, which I think peculiarly incompetent to decide on the blush of the matter, at the instance of canvassing and solicitations of different kinds, which I think very little calculated to lead to a just result.

763. I think I understood you in the beginning of your evidence to say, that you considered the present constitution of committees of the House of Commons as faulty?—Yes, I do, in some respects.

764. Will you have the goodness to state in what respect you consider it faulty, and whether you could suggest any improvement?—I think the fault is the non-attendance, and the vote without hearing; that is the great point, which nobody can say is right. I do not think you find that omission to attend on the part of those locally interested; their constituents look after them, and, generally, they feel a sufficient interest in the undertaking to give a regular attendance. If by any means you could balance or amalgamate the two advantages, and have constant attendance, with the advantage of local information, and the possibility of guarding against the decision proceeding entirely on a local bias, then I think you would have a good tribunal. You should infuse into a committee a certain proportion of Members who have not local prejudices; you should also supply them, I think, with the means of judging upon the whole case, on the suggestions of those who are locally interested; and you should secure constant attendance; but, in my opinion, you must not draw the line so tight as to tempt them to dispose of the case summarily.

765. There is a vast deal of canvassing at present?—That we, as counsel, know nothing about; we cannot help knowing that noses are counted, but we shut our eyes as much as we can to all that.

766. Have you at all thought how you might practically secure the advantage of which you have just spoken?—No, I have not; I have other things to do, and I understood other people were engaged in it, who were more competent to the task.

767. Lord G. Somerset.] I wish to call your attention to the Great Western Railroad in 1834; I think you were one of the counsel engaged in the matter?—Yes.

768. It sat a great number of days?—Yes.

769. Do you think that any alteration of that tribunal would have produced a very material diminution of the number of days that committee sat?—I cannot say that I think it would; I do not immediately carry my mind back to it; there were a great number of different cases; as soon as we disposed of one, another started up, and the thing was very much protracted. No doubt the object of the opponents on that occasion was to defeat the bill in point of time.

770. As far as your recollection carries you, can you conceive how anybody presiding at that tribunal could have very much corrected that tendency to delay which was evinced by the opponents to the measure?—No, I do not know that I can suggest how it could have been done; it would have been done at *Nisi Prius*; if there had been several defendants at *Nisi Prius* who were contesting in the main the same case, and their only difference being those of appearance by different counsel and different solicitors, the judge would have put them under terms; but if parties insist on their right, I do not see how a committee could do otherwise than hear them.

771. At *Nisi Prius* a judge would have possessed the power to do so?—Yes, I think the judge might have made some observation of this sort, “I shall tell the jury that your cases are the same, and I do not understand why they are separated.”

772. Do you think that mode of acting, which might be perfectly fair in a court of justice, is fair when applied to legislation?—That is a subject I have not considered; recollecting that case, I do not see that there would have been much prejudice in the way of legislation if some of those cases had been made to combine.

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773. I am talking of the principle on which the party whose interest is to be affected by legislation, whether he should be treated exactly in the same way as a party who is only interested in a lawsuit?—In point of fact, you are discussing private interests in these matters; you are discussing the promotion of public interest through private.

774. However erroneous, was it not the profession of nine-tenths of the opponents of that measure, that it was a matter of public interest that that measure should not be passed?—Yes; we had the Thames Navigation stating that towns were to be inundated.

775. Generally speaking, do you think it possible to have very much shortened those proceedings by any tribunal you are likely to constitute out of the House of Commons?—I very much doubt it; the chair was very ably filled on that occasion; I think you never would, unless you had a legal head presiding.

776. Do not you think that the result of stopping the system of examination, or the speeches of counsel, would have been to have had an immediate reference to the House on those points?—Decidedly, and the minority in that committee was so strong that they would have succeeded.

777. They had some very plausible arguments to bring forward, and they had also strong local grounds for objecting to the measure?—Yes, they had strong grounds on paper; I think that was one of the cases in which you might make a very strong case on paper; in fact, that about the inundation of the Thames, if it was true, was a reason for not passing any railroad; but in point of fact, although you might have witnesses come forward and swear this, that and the other, the result has proved there was no foundation for it; the very same statement has been made in that bill I was speaking of in the House of Lords, but as far as my own opinion goes, there was no foundation for it, because I remember the same description of evidence and the same grounds in the Great Western Railway, and I know what the result has been.

778. Do you remember the decision of the House of Lords in the Great Western Railway?—Yes.

779. Do you think the fair *bona fide* reason of its being thrown out that session was mercy to the promoters of it?—I recollect an illustrious person stating it was mercy; I thought it very odd mercy, after the money the parties had spent in the House of Commons.

780. If it was mercy, it was a mercy which the promoters did not wish for?—Unquestionably; it might, in point of fact, have been mercy; if the opponents were determined to go on as they did in the House of Commons, we should have spent 10,000*l.* or 12,000*l.* more, and have been just where we were.

781. Upon the whole, do you consider that any alteration of the tribunal would materially have affected the expense of those proceedings before the committee of the House of Commons in the Great Western Railway?—No; it could only have been done in the way of suggestion to counsel that the same thing had been proved before, and that suggestion would have been ineffectual.

782. Were you not almost constantly present during the whole of those proceedings?—Yes, I may say I worked the bill for the promoters.

783. You were a person constantly present?—Yes.

784. On the whole, do you think that the Members of that committee, those that attended constantly, were they vexatious in their proceedings, the minority of the Committee; was not the vexation, if any, more on the part of the actual opponents by their counsel and agents?—I think the thing that most annoyed me on the part of the opponents (the Members I mean) was that whenever there was a pinching question which was likely to affect the fate of the bill, I saw certain faces enter the room which did not prevail at other times.

785. You saw them on both sides?—Yes, I saw them on both sides.

786. But those were persons chiefly locally connected with the measure?—I do not know how that was. I remember one individual in particular; he was locally connected with the measure; that is to say, it passed through his county, and many of his constituents were against it.

787. Mr. Greene.] That bill was fought in a subsequent session of Parliament?—Yes.

788. Did it take as long the second session as the first?—No; it took less time in the Commons, and it went through a very keen discussion in the Lords' Committee.

789. Have

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789. Have you ever been present and concerned in any of the opposed bills which have been brought forward with regard to railroads or other public matters in manufacturing districts; the Manchester or Cheshire, or others?—I was concerned in the promotion of the South Union Railway, which was a railway from Manchester southwards with a view to a communication with London, and which was rivalled by the Cheshire Junction, and which finally ended in the amalgamation of the two, rather to the benefit of my clients, I believe, than otherwise. I have been concerned in the Lancaster and Preston also: this very session I had a warm contest in the Grand Junction Railway Bill, which was lost by four votes.

790. In all those bills in which you have been professionally interested, did you observe a large attendance of the local Members?—Yes, the Lancashire list especially; that is remarkably prolific.

791. Did you observe those Members take several sides of the question, that they differed on the question, or did they generally support the same view?—No; Manchester and Liverpool are at issue very often; there is a pulling different ways.

792. On the whole, your observation was that the local interests were so various that there would be quite sure to be great collision of opinion?—Yes; probably you will find, that Preston pulls one way and Warrington another way; Liverpool one way and Manchester another way.

793. Then the result of your observation is, that though the parties composing a committee are locally connected, they take independent views, arising from the difference of interest they represent?—Yes, you may have a variety of subdivisions of local interests, very important in the just decision of a case.

794. In those cases you have the advantage of a committee attending well, and at the same time entertaining independent opinions?—Yes, I do not think those cases are of frequent occurrence; you generally have the local interest as far as one county is concerned very much the same way; but unquestionably you may have Buckinghamshire pulling against Gloucestershire, as in the Great Western.

795. In the case of the South Union and Cheshire Junction, do you conceive that the presence of Members locally interested was advantageous in effecting that compromise?—I am not sure that the compromise is a good one.

796. I will not enter into the merits of the compromise?—No doubt they were very useful; if left to the agents they never would have agreed.

797. You think the Members locally interested, used their local knowledge and influence in such a manner as to produce an agreement which otherwise would not have taken place?—I think so. It is difficult to say what parties will do under the pressure of impending defeat; but my impression is, that the parties would not have come to such an arrangement.

798. Do you think that a tribunal of the House of Commons, constituted on the principle of the new tribunal of the House of Lords, could have effected that agreement?—I do not know what to say to that. Supposing the result of the selection of the committee to be a really impartial tribunal, and the recommendation to be the result of the evidence, and also supposing that recommendation were borne out by the local knowledge of the parties on the one side and the other, and not to be adverse to it, as I can very well suppose it would be, then supposing all those elements to combine, I think their recommendation would be attended to.

799. Do you conceive those elements likely to combine?—They may or they may not; sometimes local knowledge is worth all the evidence you can give in the House.

800. You spoke of the independent opinions of Members of the committees as at present constituted; is it not rather that they represent the opinions of their constituents?—No doubt.

801. In point of fact, in the various divisions that took place in the South Union and Cheshire Junction Railway, was it not the case that you pretty well knew what Members would vote one way, and what another?—Certainly, we knew which question would be carried as sure as possible; I mention that not invidiously; I think Members are bound to attend to the suggestions of their constituents in these local matters.

802. Then, in point of fact, what need is there for our sitting and receiving evidence, and hearing counsel, if, as appears to be the fact, it produces no impression on our minds?—That is one of the evils; I say, if you could make a jury <sup>a</sup>certain proportion of which should be accessible to the argument of counsel, or rather, the

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weight of evidence, and the other part of that jury should have the means of qualifying the evidence by statement of local advantages or disadvantages, which evidence cannot very well be got at, but the weight of which will be pretty justly estimated by those before whom it is given, then you will have a good tribunal.

803. Do you see any objection to allowing Members to attend the deliberations of those committees to sit and not to vote?—I think that might be one way of doing it, if they would attend on those terms. On a discussion with one of my brethren at the bar, I suggested to him, that we should never get on unless we had nominees; he said, "Do not suggest nominees, for the result will be, that the nominees will attend to the matter and nobody else; that is the result of nominees as I have seen them." I had never seen the effects of nominees, and he had; therefore I bowed to his opinion; but I mention it here because it shows the impression I derived was that I wanted some Member in the committee to put my view before the committee, and back it with his local knowledge. Your suggestion would come to the same thing, but little expecting to be called on to give evidence; I have not considered it sufficiently.

804. Mr. *Shaw Lefevre.*] It has been suggested to us that every committee on a private bill should be composed of four Members representing local interest, and possessing local information, and of five other Members impartially chosen, thus giving the balance in favour of the impartial part of the committee; do you approve of that suggestion?—I rather think I should prefer this to the proposition that was made by the honourable Member for Lancaster. But I question whether your proportion is large enough, for with all the care you can exercise, it would be difficult to get five men who should not have some bias on the case, or for or against some of those local Members; and if you throw the local Members' vote into the bargain, you may have, influencing besides, his cousin or connexion, or his friend. You cannot help those biasses, and they are not altogether improper, and parties would believe they did exist, if it were not so.

*John Henry Ley, Esq., Clerk of the House, called in; and Examined.*

J. H. Ley, Esq.

805. *Chairman.*] HAVE you turned your attention to the present mode of conducting private business before committees, and can you point out any improvement that can be adopted with advantage?—There are three descriptions of bills, in respect of which different modes of proceedings in committee are applicable:—

First,—A bill upon which all parties concerned agree.

Secondly,—A bill entirely local, where one party promotes it, and another party opposes it.

Thirdly,—A bill in which the public have an interest, and to which there is great opposition both by private persons and public bodies.

In regard to the first class, the House has scarcely any thing to do but to see that parties who are unanimous among themselves do not make enactments which may be prejudicial to the public, although beneficial to themselves; for instance, the inhabitants of a country town may unanimously apply for a bill to pave, watch and light their town, and they may also unanimously decide that a toll shall be levied upon all persons entering their town; this would probably be considered objectionable as regards the public; there ought to be some authority to watch bills, with a view of seeing that objectionable enactments of this kind are not introduced; otherwise as such a bill would be merely to ratify and carry into effect an agreement entered into by competent persons, the parties ought to be put to as little delay, expense and trouble as possible; and the Members immediately connected with the place might manage all the proceedings, and carry the bill through the committee, which might be composed of any Members whom the Member who might have charge of the bill might nominate.

In respect to the second class, namely, a bill entirely local, where one party promotes it, and another party opposes it, as, for instance, a bill for paving, watching, lighting a town, making a market-place, and other objects of the same kind of a merely local character, doubts may be entertained whether the House ought to allow such questions to be contested before them, and whether the parties ought not to be obliged to agree before they come to Parliament; if parties found that such contests were discountenanced, they would probably come to an agreement; but so long as a field of battle is afforded before committees of the House of Commons, opposition to good measures of this kind will take place. It would be a mistake to suppose that if all local Members were to be excluded from the committee

*J. H. Leg. Esq:*

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committee on such a bill, that independent Members would form a perfectly disinterested committee; these contests are frequently of a decidedly political character, and the Member for the town of A., situate 150 miles from the town in question, might possibly be inclined to support the views of the party of similar politics with the party in his own borough, who might have returned him as their representative. The different contending parties at last get tired of the contest, and some compromise is agreed to, which can be more satisfactorily settled in general by Members connected with the locality than by strangers; such arrangements are usually made out of the House; it is the duty of the local Members to attend to matters of this kind, connected with the counties or places they represent; it would be extremely hard upon the constituency of Liverpool, that the time of their representative should be taken up in attending to the local disputes of the town of Brighton, whilst the business of Liverpool is neglected.

In respect of the third class of bills, namely, a bill in which the public have an interest, but which is opposed by private persons or public bodies, such as for a railroad, canal, docks, or other similar matters, considerable difficulty presents itself as to the proper mode of proceeding. It is proposed to refer these questions to small perfectly independent select committees, to be nominated by five Members appointed to nominate such committees, and that such committees shall decide judicially upon the cases brought before them. It is impossible to say how any plan will work, and this might possibly work admirably well, but there are considerable objections to it. It would throw immense power first into the hands of the nominating committee, and secondly into the hands of the committee nominated, which would be a just cause of great jealousy: the Members who ought to be excluded from deciding upon a railroad are those who may have a pecuniary interest in promoting it, and also Members who may have a like interest in opposing it. It is impossible, however, to discover what interest Members may have, or how they may be influenced by persons or constituents who may have an interest; county Members may be excluded, who may have no interest, and may wish to act fairly towards all parties, whilst Members having a direct interest, either for or against the measure, might be placed on the committee; on the other hand, the whole committee might be perfectly independent, but at the same time perfectly incapable, from want of having had their minds applied to such subjects, to form a correct judgment; the party defeated would never acquiesce in the decision of such a tribunal, and the House would have trouble without end by appeals from such decisions. It is almost impossible to determine as to the best mode of proceeding for the future upon the great questions of railways, upon which it is now generally allowed that great mistakes have been made; but so far from referring such questions to small select committees of five Members, that is to say, questions upon new lines of railways, every Member of the House ought to have an opportunity of giving his vote upon the principle of the bill, that is to say, whether a power shall or shall not be given to make a particular railroad. It may be said, this is to be done on the second reading, but the House cannot afford time for a proper discussion, and Members not having had time or opportunity to inform themselves on the subject are generally inclined to refer the business to the committee: The inquiries which have taken place before committees have certainly not been conducted in a satisfactory manner; the real province of the committee is only to make the bill perfect according to the intentions of the promoters, and to see that proper compensation is made to those whose property may be taken by the despotic power of Parliament; but in consequence of the House having declined to hear counsel and evidence on the second reading, according to former practice, upon the principle of the bill, that inquiry has devolved upon the committee, and the committee have, in fact, become the House in this respect. One fault of the present committees is, that they are neither one thing nor the other; there are too many Members on the lists to make a select committee, and, on the other hand, many Members perfectly competent to decide, are excluded; another fault is, that the proceedings are, in many cases, protracted for so long a period, and so much time wasted, that it is quite impossible to expect that Members will attend during the whole of them, in consequence of which, the party which is beaten, frequently raise an outcry against Members who vote without having regularly attended the committee. Members who do vote upon these questions, certainly ought to inform themselves upon their general merits; but it by no means follows that Members who go into a committee with their minds like sheets of pure white paper, and sit there day after day, hearing all the contradictory evidence and all the contradictory

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statements of counsel, are the only Members competent to give an opinion ; indeed it may be very much doubted whether such Members would not of necessity become so confused and puzzled, that they would find great difficulty in forming a judgment. A great deal has been said against canvassing Members ; it certainly would be highly derogatory from the station and character of a Member of the House of Commons, to allow himself to be influenced by any unworthy means of canvassing ; but it is quite a new doctrine to say that Members are not to hear and pay attention to representations fairly and legitimately laid before them. Members also may have a decided opinion of their own, formed upon as good materials as any brought before a contested committee ; indeed upon this very question of railways, if any number of Members had determined to oppose all the local railways to be managed by incorporated companies, it may appear to many that they would have done infinite service to the public at large. It certainly is a very inconvenient way of hearing evidence to hear it before a body which is constantly changing ; much time is lost by Members examining upon points which have been fully inquired into ; therefore, although small select committees ought not to be entrusted with the power of deciding upon these questions, yet an inquiry would be much better carried on before them than before large committees ; such select committees, however, ought not to consist of perfectly independent Members, the only criterion of which is, that they are not locally connected with the concern. If a select committee consisting of Members willing to undertake the inquiry were appointed, before whom the parties promoting the bill, and also parties having a real interest in opposing it, might state their cases, and support them by evidence, and if such statements and evidence were printed for the use of the Members, every Member would then have an opportunity of making himself acquainted with the merits as set forth by each side. It is, no doubt, true, that every Member of the House of Commons is bound to attend to his duty as a Member before all other business ; there are, however, so many Members who have nothing else to do but to attend to their Parliamentary duties, that there is no necessity to impress into the service of committees Members to whom it would be extremely inconvenient to attend upon them ; besides that, Members willing to serve, and knowing something about the matter, would at once go *in medias res* ; whereas a committee of five, consisting of two London bankers, one chancery lawyer and two independent gentlemen, wanting possibly to leave London for a short time, and not caring in the least degree about the matter in question, would constitute a most uneasy and inefficient court to examine into the merits of a railway ; but how much more inexpedient would it be to devolve upon such a committee the power of deciding upon such a question. As some alteration in the early proceedings on the bill might be necessary, it may be as well to state them ; there is a great deal of time now wasted in inquiries about compliance with Standing Orders before the bill is presented to the House ; in 1836, when the Standing Orders were revised, the old Standing Order which required that petitions for bills by which any charge was to be laid on the subject, should be referred to a committee to examine the matter thereof, was left out. As there is therefore no necessity to refer to committees petitions on that account, it would be very desirable that the bill should be presented with as little delay as possible, and that the question relating to compliance with Standing Orders should not be inquired into until it is seen by the bill what the promoters of it really intend to do. Upon the presenting of the petition, leave might be given to the parties to prepare a bill, the title of which should be clearly and accurately stated in the written motion for leave, placed in the Speaker's hands. It has been the practice of the House to direct two Members to prepare and bring in these private Bills ; but as it is notorious that they never have any thing to do with the preparation of them ; their names only give an undue sanction to measures which they may afterwards possibly oppose. When leave is given to prepare a bill, it might be expedient to order that it be presented to the House on or before a day to be named. The parties having obtained leave to prepare a bill, ought to include in it all the enactments which they may consider necessary, and not merely compile a sort of skeleton of a bill, intending to fill it up in the committee ; when it has been so prepared and printed, they should apply to some Member to present it ; it might then be read the first time, as a matter of course. A breviate or analysis of the bill might be attached to it of a general character, so that Members might know what clauses are contained in it ; but if any Member really wishes to know what is contained in a bill, he must read the clauses, and not depend upon a breviate. When

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the bill has been read the first time, a day ought to be fixed for the second reading, so that in the cases of these railways, at least 28 days should intervene between the day upon which the bill is read the first time, and the day to be appointed for the second reading; it should at the same time be referred to a select committee, to examine whether the Standing Orders have been complied with, and also to examine whether the facts stated in the preamble are true; perhaps it might be best to refer these two points to different committees, the question relating to Standing Orders being merely technical, which ought to be decided uniformly with prior decisions. One hundred printed copies of the bill should be left at the Vote Office for Members, and measures taken for distributing other copies among persons locally interested. There ought to be at least 14 days between the day of presenting the bill and the day appointed for examining into the question of compliance with Standing Orders, and into the inquiry relating to the preamble, of which day notice should be given, so that five days at least should intervene between the day of giving the notice in the Private Bill Office and the day appointed for the inquiry. The use of Standing Orders is, to give general notice of the intention of parties to apply to Parliament to do something which, according to the existing laws, they cannot do, which may interfere both with public and private interests and property. If the proposed measure be a good measure, and for the real benefit of the public, private interests ought not to be allowed to stand in the way of its accomplishment, provided that especial care be taken that the most ample compensation be made where private property is allowed to be taken. In the case of an inclosure and allotment, which is a mere private concern, it is absolutely necessary that Parliament should know whether the parties interested consent, or how many consent or how many do not consent; but in the case of making a railway for the public convenience, the utility or necessity of the proposed measure is the matter for consideration; an accurate map or plan ought to be easily accessible to parties who may be affected, and ample general notice ought to be given, but a separate application to owners and occupiers of land is unnecessary; indeed, so many trifling objections to good measures have been raised by reason of applications to owners and occupiers being informal, in consequence of which they have been lost for a Session, doubts may be entertained whether it would not be advisable to repeal so much of the Standing Orders as requires personal application to owners and occupiers. It is quite absurd to see petitions presented from individuals, stating that they have not had proper notice, whereas by their petition they confess they are fully acquainted with the matter, and only want to defeat a measure by means of a technical objection taken upon a Standing Order; such persons are frequently set on by persons interested in some other works which may be affected by a proposed measure, who cannot oppose it on its merits. There can be no doubt that plans and maps ought to be drawn with the greatest accuracy, but mistakes may be made, and in contested cases such mistakes, which had merely reference to some particular person, and which might have been easily rectified, have been taken advantage of to defeat a measure. Such proceedings are an abuse of the Standing Orders. It is almost impossible to obtain a perfectly accurate list of owners and occupiers who consent, dissent or are neuter, and mistakes are scarcely to be avoided in plans; almost all the intricate questions before Standing Order Committees arise under these heads; it is certainly right that if there are Standing Orders, the rules laid down by them should be attended to; but it is very hard upon parties who have been at an enormous expense in preparing to come before Parliament, that they should be defeated upon some technical points, relating to compliance with Standing Orders, and which has nothing to do with the merits of the proposed measure, and where there is a perfect knowledge that the measure is before Parliament. A great improvement is supposed to have taken place in the appointment of the committee of 42 Members, divided into sub-committees to examine these matters. But the Standing Orders ought to be so plain, that there could be no difficulty in understanding them; if such were the case, the committee clerks would be perfectly capable of deciding officially upon them in the first instance, and if they should have any doubt, they might apply, as was formerly the case, to the clerk of the House, who would state the case to the Speaker.

It having been ascertained that the Standing Orders had been complied with, the committee to whom it is referred to examine into the truth of the allegations in the preamble might proceed. The parties promoting the bill should, in the first place, make a statement of the objects of it, and of the necessity or utility of the

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proposed measure, and produce evidence to support such statement. If the House should have admitted any party or parties to oppose the principle of the bill, they might then be heard, and produce evidence to contradict the evidence produced by the promoters of the bill, and to show that the measure was uncalled for, or to bring forward whatever other objection they might have to the whole of the measure or principle of the bill ; the promoters might then be heard in reply, and produce evidence to contradict the evidence brought forward by the opponents : if such a proceeding were carried on in a sober, business-like manner, Members, upon reading the statements and evidence, would be able to inform themselves upon the merits of the case, and to give a conscientious opinion, whether the Bill ought or ought not to be read the second time. The inquiries before committees at present give not the least information to the Members of the House in general, and they are conducted in such a way that Members cannot exclusively attend to any of them, by reason of so many going on at the same time ; the manner in which they are attended by the counsel who conduct the proceedings is also unsatisfactory, which arises from their being engaged sometimes in four or five committees, all sitting at one and the same time. Parties now bring forward their respective bills just as they think fit, which is the cause of great confusion in committees ; some remedy ought to be applied to this, and business brought forward in rotation. The Committee of Inquiry having finished their proceedings, which ought not to be allowed to be prolonged by any vexatious opposition, should report them to the House, when they should be ordered to be printed for the use of the Members ; and as this would be an additional expense imposed by the House, probably it might be thought proper that it should be defrayed by the House. The case being thus fairly before the House, the question is, as to the way in which all the Members shall have an opportunity of coming to a decision ; it would be impossible to bring forward the question so as to have it fairly debated after four o'clock, during the time allotted for the ordinary private business. The House then must either meet twice a week at extraordinary times, or refer the question to a committee, where all who come have voices ; perhaps this might be the best course : there ought to be a regular chairman appointed to preside, and the business be conducted in the same manner as if the Speaker were in the chair. The question to be proposed should be, "That this bill be now read a second time ;" an amendment might be proposed to leave out the word "now," and to add, instead thereof, the words on "this day se'nnight." It would not be right that the fate of a bill should be determined upon one discussion and division ; therefore if the opponents prevail, and put off the bill for a week, the question of the second reading might again be brought forward at that time, when the amendment might be to leave out "now," and add "on this day six months," in which case, if the opponents prevailed, the second reading would be put off for six months, and the bill consequently lost. On the other hand, if the promoters of the bill prevailed on the first occasion, and the bill should be read a second time, the next question would be, "That the bill be committed," upon which the debate might be adjourned for a few days, and the sense of the House again taken upon that question. If the House resolve that the bill shall be committed, having thereby approved of the principle of the bill, the duty of the committee should be, to return it to the House in a perfect state ; they ought not to be allowed to put an end to the bill, by voting the chairman out of the chair, or any other side-wind proceeding ; parties ought to be fairly heard upon their own individual cases, but not allowed to enter into the merits of the bill ; the bill should at all events be reported to the House, and the House should finally dispose of it. The bill having been made perfect, the House ought to have an opportunity of seeing it in its amended shape, for which purpose it should be re-printed, and a printed copy brought up with the report. It has been before said that the parties ought to be expected to lay their bill before the House in as perfect a shape as possible ; if it should be considered by the committee, or by any proper authority, that the bill had been carelessly drawn, or drawn and circulated in the first instance in a manner which only tended to mislead persons interested, it ought to be withdrawn and a perfect bill presented instead, which would be to be discussed on the second reading. At all events, some delay ought to take place between the report and the consideration of the report ; in some cases fourteen days would not be too much, but possibly eight clear days between the day of making the report and the day for the consideration of it might in most cases be sufficient. The House ought to revise the proceedings of the committee on the consideration of the report, and finally to determine upon the bill ; so that after the bill has been engrossed, it might be read a third

third time, and passed without opposition. If the House would pursue a course something similar to that herein suggested, parties would acquiesce in their decisions, but they would not acquiesce in the decisions of small select committees, whose decisions ought to be final, if they are allowed to decide at all, because it would be only a waste of the time of the unfortunate Members who might be placed on such committees, and very unpleasant to their feelings, if they were to find that after they had conscientiously examined the case upon evidence, that their decision should be reversed by the House, who had not had an opportunity of seeing or hearing one word of it. If it should be considered that neither House of Parliament can conveniently turn their minds to subjects of this kind, it may be doubted whether a better tribunal might not be found than committees of either House, and whether it would not be best to establish a board or commission, who might consider each of these projects in detail, and also their general bearing as connected with existing or contemplated projects of the same kind.

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## A P P E N D I X.

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**RESOLUTIONS submitted to the Consideration of the Committee by  
Mr. Greene and Mr. Shaw Lefevre.**

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*Resolved,*

1. THAT the business of Committees on Private Bills is of so judicial a character, and so frequently involves a decision upon rights and pecuniary interests of such vast importance and amount, that it is expedient to assimilate them as much as possible in their functions and practice to a judicial tribunal.
2. THAT although in Committees, as now constituted, the presence of Members connected with the district to which the Bills referred to them relate, may afford much local information, this benefit is more than counterbalanced by the local interest, influence and prejudice necessarily attending it, especially as any information afforded by them would be of more weight and value if given in the character of a witness.
3. THAT it appears, from the concurrent testimony of all the witnesses examined, that a practice prevails of Members voting who have not attended to hear the evidence or the arguments of counsel; and that owing to this, as well as to the number of the Committee, a system of canvassing has been adopted, alike harassing to Members, and prejudicial in its results to the ends of justice.
4. THAT great inconvenience, expense and delay arises from the number of Members composing a Committee; and that it is impossible to secure a strictly judicial decision where so many of the judges represent parties who are deeply interested in the result.
5. THAT, with the view of increasing the personal responsibility of Members of Committees, and of obtaining a correct decision upon the evidence brought before them, it is expedient to reduce their numbers, and to secure their constant attendance during the whole of the proceedings of the Committee.

That, for the purpose of carrying into effect the above Resolutions, it is proposed,—

[To follow STANDING ORDER, No. 6, page 9.]

1. THAT as soon as may be convenient after the commencement of a Session, a Committee be appointed to receive and decide upon the excuses of all Members proposing to be relieved from the necessity of attending Committees on Private Bills.
2. THAT the Members of the Committee of Standing Orders, and of the Committee on Petitions, do form a joint Committee for that purpose, with power to appoint a Sub-Committee, consisting of Five Members of their own body, on whom shall devolve the selection of all Committees on Private Bills, in the manner hereinafter described.
3. THAT after the names of the Members excused from attendance on Committees on Private Bills be set aside, the names of the remaining Members of the House be drawn by lot, and printed with the Votes, in the order in which they may be drawn.
4. THAT the Committee of Selection do choose a *Chairman* for each Committee from the Members of the Standing Orders Committee and Committee on Petitions, and

and the remaining Members of the Committee from the aforesaid printed List as nearly as possible in the order in which their names shall appear in the Votes, due regard being had to the equal distribution of labour amongst the Members liable to serve on such Committees, and to any alteration which may be rendered necessary by local connexion or personal interest of any of the Members.

5. THAT all Committees on unopposed Private Bills do consist of *Three* Members, including the Chairman.

6. THAT all Committees on opposed Private Bills do consist of *Five* Members, including the Chairman.

7. THAT Three Days' Notice be given to each Member of the day and time of his attendance.

8. THAT no Member of any Committee so appointed as aforesaid, do absent himself from the same without special leave of The House.

9. THAT no business be transacted in Committee, unless all Members be present.

10. THAT in case of the non-attendance of any Member of a Committee, the Committee shall adjourn to the next Sitting of The House, and that the Chairman do report to The House the name of every Member so absenting himself; and that The House may, if it so think fit, order the Committee to proceed at its next Meeting in the absence of such Member, and may direct, in default of a reasonable excuse being offered, that the Member so absenting himself be taken into the custody of the Serjeant-at-Arms.

11. THAT the Committee shall not adjourn over any day except Sunday, Christmas-day and Good Friday, without leave of The House.

12. THAT Five Days' Notice be given in the Private Bill Office of the day on which a Bill be referred to a Committee.

R E P O R T  
FROM  
SELECT COMMITTEE  
ON  
PRIVATE BUSINESS;  
WITH THE  
MINUTES OF EVIDENCE,  
AND APPENDIX.

*Ordered, by The House of Commons, to be Printed,*  
*4 August 1838.*

[*Price 10d.*]

679.

# R E P O R T

FROM

SELECT COMMITTEE

ON

STANDING ORDERS REVISION;

WITH

A P P E N D I X.

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*Ordered, by The House of Commons, to be Printed,  
10 August 1838.*

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*Jovis, 26° die Aprilis, 1838.*

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*Ordered, THAT* a Select Committee be appointed, to consider the Standing Orders of The House of Commons relating to Private Bills, and to compare them with those of The House of Lords, with the view of assimilating as much as possible the Standing Orders of both Houses.

*Veneris, 27° die Aprilis, 1838.*

And that the Committee consist of—

Mr. Shaw Lefevre.	Mr. Pendarves.
Lord Viscount Ebrington.	Lord Viscount Sandon.
Mr. Poulett Thomson.	Mr. Guest.
Sir James Graham.	Mr. Greene.
Mr. Wilson Patten.	Mr. Chalmers.
Mr. Robert Palmer.	Sir Thomas Fremantle.
Mr. Aglionby.	Mr. Villiers Stuart.
Lord Stanley.	

*Ordered, THAT* the Committee have power to send for Persons, Papers and Records.

*Ordered, THAT* Five be the Quorum of the Committee.

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*Jovis, 9° die Augusti, 1838.*

*Ordered, THAT* the Committee have power to report their Opinion to The House.

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PROCEEDINGS OF THE COMMITTEE - - - - - p. 3

THE REPORT - - - - - - - - - - - p. 5

APPENDIX - - - - - - - - - - - p. 14

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## PROCEEDINGS OF THE COMMITTEE.

## DAILY ATTENDANCE.

*Martis, 8° die Maii, 1838.*

Mr. S. LEFEVRE, in the Chair.

Mr. Greene.  
Mr. Guest.  
Mr. W. Patten.  
Mr. Pendarves.

Mr. Robert Palmer.  
Lord Stanley.  
Lord Sandon.

*Veneris, 11° die Maii, 1838.*

Mr. S. LEFEVRE, in the Chair.

Mr. P. Thomson.  
Mr. Guest.  
Mr. R. Palmer.  
Lord Sandon.  
Lord Stanley.  
Mr. Aglionby.

Mr. W. Patten.  
Mr. Chalmers.  
Mr. Greene.  
Sir James Graham.  
Sir T. Fremantle.

Motion made (Mr. Guest),—To leave out of Standing Orders, page 15, the words “and in the case of Railway Bills twice in the month of February, and twice in the month of March.”

Question put,—That those words stand part of the Order:

AYES, 9.  
Mr. P. Thomson.  
Mr. R. Palmer.  
Lord Sandon.  
Mr. Chalmers.  
Sir James Graham.  
Mr. Aglionby.  
Lord Stanley.  
Mr. Greene.  
Mr. W. Patten.

NOS, 2.  
Mr. Guest.  
Sir T. Fremantle.

Agreed to.

Motion made (Sir Thomas Fremantle), Order 6, page 23, line 2,—To leave out the word “extend.”

Question put,—That that word stand part of the Order.

Committee divided.

AYES, 4.  
Mr. P. Thomson.  
Lord Sandon.  
Mr. Greene.  
Mr. Guest.

NOS, 7.  
Mr. R. Palmer.  
Mr. W. Patten.  
Lord Stanpley.  
Mr. Aglionby.  
Mr. Chalmers.  
Sir James Graham.  
Sir T. Fremantle.

So it passed in the negative.

*Veneris, 1° die Junii, 1838.*

Mr. S. LEFEVRE, in the Chair.

Mr. Guest.  
Mr. W. Patten.  
Mr. P. Thomson.  
Mr. Aglionby.

Mr. Greene.  
Mr. Chalmers.  
Mr. Pendarves.  
Sir James Graham.

Motion made (Mr. Guest),—" That evidence be adduced before this Committee of the inconvenience now occasioned by the 2d Clause of the General Standing Orders, requiring notices of the application for Railway Bills to be given in the months of February and March."

Amendment proposed (Mr. P. Thomson),—To leave out the words after "That," in order to insert the words "the consideration of this Resolution be adjourned to Tuesday week."

Question put,—“ That the words proposed to be left out stand part of the Question.”

AYES, 1.  
Mr. Guest.

NOS, 4.  
Mr. P. Thomson.  
Mr. Greene.  
Mr. Aglionby.  
Mr. Chalmers.

Question, as amended, put and agreed to.

*Martis, 12° die Junii, 1838.*

Mr. S. LEFEVRE, in the Chair.

Mr. Chalmers.  
Lord Ebrington.  
Mr. W. Patten.

Mr. Greene.  
Mr. Aglionby.

*Jovis, 14° die Julii, 1838.*

Mr. S. LEFEVRE, in the Chair.

Mr. Greene.  
Lord Ebrington.  
Mr. R. Palmer.  
Mr. Pendarves.  
Mr. Aglionby.

Mr. W. Patten.  
Mr. Chalmers.  
Lord Sandon.  
Sir J. Guest.

*Jovis, 19° die Julii, 1838.*

Mr. S. LEFEVRE, in the Chair.

Lord Ebrington.  
Mr. Chalmers.

Mr. Greene.  
Lord Sandon.

*Martis, 7° die Augusti, 1838.*

Mr. S. LEFEVRE, in the Chair.

Mr. P. Thomson.  
Mr. Chalmers.  
Mr. Aglionby.

Lord Ebrington.  
Mr. Pendarves.

*Mercurii, 8° die Augusti, 1838.*

Mr. S. LEFEVRE, in the Chair.

Lord Ebrington.  
Mr. Aglionby.

Mr. Pendarves.

Mr. Chalmers.

## R E P O R T.

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**THE SELECT COMMITTEE appointed to consider the STANDING ORDERS of the HOUSE OF COMMONS relating to PRIVATE BILLS, and to compare them with those of the HOUSE OF LORDS, with the View of assimilating as much as possible the STANDING ORDERS of both HOUSES; and who were empowered to report their Observations to The House:—HAVE considered the Matters to them referred, and have agreed to the following REPORT:—**

**Y**OUR COMMITTEE considered it to be their first duty to place themselves in communication with the Chairman of the Select Committees on Private Bills in the House of Lords; and with the concurrence of that Noble Lord and the sanction of a Committee appointed by the House of Lords, the Standing Orders of the two Houses have been assimilated in all those points where a difference in the Orders has been productive of public inconvenience.

Your Committee have also directed their attention to those Standing Orders in the construction of which doubts have arisen during the present Session; and for the removal of these doubts they have suggested Amendments as follows:

**4.—THAT before such Sub-Committee the compliance with the Standing Orders shall be proved, and any parties shall be at liberty to appear and be heard, by themselves, their agents and witnesses, upon any Petition which may be referred to the Committee, complaining of a non-compliance with the Standing Orders, provided the matter complained of be specifically stated in such Petition, and that such Petition be presented Three clear Days before the first meeting of such Sub-Committee.**

Sect. 4, p. 8.

Compliance  
with Standing  
Orders to be  
proved before  
Sub-Com-  
mittee.

The word "first" is introduced before "Meeting of such Sub-Committee;" it being considered inexpedient that Petitions, complaining of non-compliance with Standing Orders, should be considered in the Committee after its first meeting.

## REPORT FROM SELECT COMMITTEE

Sect. 6, p. 8.  
Standing Order Committee to determine.

6.—THAT the Select Committee on Standing Orders shall determine whether the Standing Orders ought or ought not to be dispensed with, and report the same to The House accordingly.

The word "thereupon" before "determine" is omitted; the Select Committee on Standing Orders having required parties promoting and opposing Bills, to deliver in statements and counter-statements with reference to the non-compliance with the Standing Orders, it has been considered advisable to omit a word which appears not to sanction that practice.

Sect. 3, p. 9.  
Printed Copies to be lodged in Private Bill Office, and Filled-up Bills to be laid before Committee.

3.—That Five Copies of the Bill, printed on paper of the same size, and interleaved with blank paper, be deposited at the Private Bill Office, for the use of the Committee on the Bill, and for the Report, and that Five other Copies be laid before the Committee at its First Meeting by the Agent for the Bill, in which the Amendments and Clauses intended to be proposed by the Promoters of the Bill shall be inserted.

This Order has been extended by requiring Agents to produce before the Committee Five Bills, in which shall be inserted the amendments and Clauses intended to be proposed by the Promoters of the Bill.

To come in after XX. p. 11.

Notice to be given of Clauses on Report or Third Reading.

THAT no new Clauses shall be brought up upon the Report or upon the Third Reading, without notice of the same being given in the House, and the Clause proposed being printed and circulated with the Votes.

## XXII.

XXII. p. 12.  
Affidavits, Consents and Notices.

THAT the Committee to whom any Petition or Private Bill relating to *Ireland* shall be referred, may admit proof of the compliance with the Standing Orders of this House, and of the consents of Parties concerned in interest in such Private Bill, on the production of Affidavits sworn before any Judge or Assistant Barrister of that part of the United Kingdom, whose Certificate shall be admitted as evidence of such proof having been made, unless the Committee shall require further evidence.

The words "Judge or" are inserted before "Assistant Barrister;" an Assistant Barrister having declined to swear the affidavit.

2d Class,  
p. 15.

2d CLASS.—Bills for making, varying, extending or enlarging any Bridge, Turnpike Road, Cut, Canal, Reservoir, Aqueduct, Waterwork, Navigation, Tunnel, Archway, Railway, Pier, Port, Harbour, Ferry, and Dock.

The words "Public Works such as" have been omitted, lest this class should be construed to extend to any other Work than is therein mentioned; the other alterations are merely verbal.

3d Class,  
p. 15.

3d CLASS.—Bills relating to County Rates, Gaols or Houses of Correction, or for confirming, prolonging or transferring the term of Letters Patent, or conferring powers to sue and be sued, or Bills to continue or amend any former Act passed for any of the purposes included in this or the two preceding Classes, where no further work than such as was authorized by the original Act, is proposed to be made.

To this class have been added Bills for transferring the term of Letters Patent, and Bills conferring powers to sue and be sued. The words "where no extension of time or power to take land is required" are omitted, and the words "where no further work than such as was authorized by the original Act is proposed to be made" are added.

II.

## II.

THAT such Notices shall be published in Three successive weeks in the months of *October* and *November*, or either of them, (and in the case of such Railway Bills as are included in the 2d Class, twice in the month of *February* and twice in the month of *March*, in lieu of those months), immediately preceding the Session of Parliament in which Application for the Bill shall be made, in the *London, Edinburgh or Dublin Gazette*, as the case may be, and in some one and the same Newspaper of the County in which the City, Town or Lands to which such Bill relates shall be situated; or if there is no Newspaper published therein, then in the Newspaper of some County adjoining or near thereto.

II. p. 15.  
—  
Notices to be published.

This Order has been amended, so as to make the February and March Notices for Railway Bills, apply only to such as are included in the Second Class; the early Notices not being deemed necessary in cases of Railway Amendment Bills by which it is not intended to "make, vary, extend or enlarge" the Railway.

## III.

THAT if it be the intention of the Parties applying for leave to bring in a Bill, to levy any Tolls, Rates or Duties, or to alter any existing Tolls, Rates or Duties, the Notices shall specify such intention.

III. p. 15.  
—  
Intention to levy or alter Tolls to be stated.

This Order has been only verbally amended.

## IV.

THAT on or before the 31st day of *December* immediately preceding the application for a Bill by which any Lands or Houses are intended to be taken, or an extension of the time granted by any former Act for that purpose is sought for, application in writing, (and in cases of Bills included in the second class, in the form set forth in the Appendix marked (A.)), be made to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers, either by delivering the same personally, or by leaving the same at their usual Place of Abode, or in their absence from the United Kingdom, with their Agents respectively; and that separate Lists be made of the Names of such Owners, Lessees and Occupiers, distinguishing which of them have assented, dissented, or are neuter in respect thereto. (See Private Bill Office, page 31, No. 2.)

IV. p. 15.  
—  
Application to Owners, &c.

This Order has been re-cast with the view,—1st. To include Bills for extending the time for taking lands granted by former Acts; 2d. To require the application to owners, &c., to be in a form set forth in the Appendix; 3d. To omit so much of the old Order as permits the application in writing to be sent by the post.

There is also annexed to this Order a reference to the Orders for the Private Bill Office, which require the deposit in that office of the documents here mentioned.

## V.

Further Order with regard to Bills of the 1st Class:

V. p. 16.  
—  
Notices on Church-doors.

THAT Notices shall also be affixed to the Outer Doors of the Churches of every Parish to which they specially relate, for Three successive Sundays in the said months of *October* and *November*, or either of them.

This Order has been amended to specify that the Notices shall be on the outer doors of Churches.

## VI.

Further Orders with regard to Bills of the 2d Class:

Sect. 1, VI.  
p. 16.  
—  
Notices to contain Parishes, &c.

1.—THAT all Notices shall contain the Names of the Parishes, Townships and extra-parochial places from, in, through, or into

which the Work is intended to be made, varied, extended or enlarged, and shall state the time and place of deposit of the Plans, Sections or Books of Reference respectively, with the Clerks of the Peace, Parish Clerks, Schoolmasters, Town Clerks and Post-masters, as the case may be. (See Nos. 2 & 6.)

This Order has been amended by inserting the words "and extra-parochial places" after "Townships," and by adding at the end of the Order the words "respectively with the Clerks of the Peace, Parish Clerks, Schoolmasters, Town Clerks and Postmasters, as the case may be." There is also a reference added to Nos. 2 & 6, below.

**Sect. 2, p. 16.** **2.—THAT** a Plan, and also a duplicate of such Plan, on a scale of not less than Four Inches to a Mile, exhibiting thereon the height of the several Embankments, and the depth of the several Cuttings respectively, on a scale specified thereon, (see Fig. 1.), with a Section and duplicate thereof, as hereinafter described, be deposited for public inspection at the office of the Clerk of the Peace for every County, Riding or Division in *England* or *Ireland*, and in the Office of the Principal Sheriff Clerk of every County in *Scotland*, in or through which the Work is proposed to be made, varied, extended or enlarged, on or before the 30th day of *November*, (and in the case of Bills relating to Railways on or before the 1st day of *March*) immediately preceding the Session of Parliament in which Application for the Bill shall be made; which Plans shall describe the line or situation of the whole of the Work, and the Lands in or through which it is to be made, varied, extended or enlarged, or through which every communication to or from the Work shall be made, together with a Book of Reference containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of such Lands respectively.

This Order has been only verbally amended.

**Sect. 3 & 4,** **3.—THAT** where it is the intention of the parties to apply for powers to make any lateral deviation from the line of the proposed Work, all Lands included within the limits of such deviation shall be marked upon the Plan; and that in all cases, an additional Plan of any Building, Yard, Court-Yard or Land within the curtilage of any Building, or of any Ground cultivated as a Garden, either on the original line or included within the limits of the said deviation, shall be laid down upon a scale of not less than a quarter of an inch to every 100 feet. (See Fig. 3.)

**Scale of Section.** **4.—THAT** the Section shall be drawn to the same horizontal scale as the Plan, and to a vertical scale of not less than one inch to every 100 feet, and shall show the surface of the ground marked on the Plan, and a *datum* horizontal line, which shall be the same throughout the whole length of the work, or any Branch thereof respectively, and shall be referred to some fixed point (stated in writing on the Section), near either of the *Termini*. (See Line D D, Fig. 2.)

These two Orders have been transposed, and verbally amended.

**Sect. 5, p. 17.** **5.—THAT** the Clerks of the Peace or Sheriff Clerks, or their respective Deputies, do make a Memorial in writing upon the Plans, Sections and Books of Reference so deposited with them, denoting the time at which the same were lodged in their respective offices, and do at all seasonable hours of the day permit any person to view and examine one of the same, and to make copies or

Clerks of  
Peace to in-  
dorse a Me-  
morial on  
Plans, &c.

or extracts therefrom ; and that one of the two Plans and Sections so deposited, be sealed up and retained in the possession of the Clerk of the Peace or Sheriff Clerk until called for by order of one of the Two Houses of Parliament. (See Appendix, Act 1 Vict. c. 83.)

Such part of this Order as provides a Fee to Clerks of the Peace for the inspection of documents is omitted ; an Act (referred to at the foot of the Order) having passed in the last Session, which provides for that purpose.

6.—THAT on or before the 31st day of December, (and on or before the 1st day of April, in cases of Railway Bills where the previous deposits with the Clerks of the Peace or Sheriff-Clerks are required on the 1st day of March), a copy of so much of the said Plans and Sections as relates to each Parish in or through which the Work is intended to be made, varied, extended or enlarged, (see Fig. 5.), together with a Book of Reference thereto, shall be deposited with the Parish Clerk of each such Parish in *England*, the Schoolmaster of each such Parish in *Scotland*, (or in Royal Burghs with the Town Clerk,) and the Postmaster of the Post-town in or nearest to such Parish in *Ireland*. (See Appendix, Act 1 Vict. c. 83.)

This Order has been amended as the last, and also directs a Section to be deposited with the Parish Clerks, &c.

7.—THAT on or before the 31st day of December (and on or before the 1st day of April in cases of Railway Bills where the previous deposits with the Clerks of the Peace or Sheriff-Clerks are required on the 1st day of March), a copy of the said Plans, Sections and Books of Reference shall be deposited in the Private Bill Office of this House.

This Order has been only verbally amended.

8.—THAT an Estimate of the Expense be made and signed by the person making the same, and that a Subscription be entered into under a Contract, made as hereinafter described, to three-fourths the amount of the Estimate. (See Private Bill Office, P. 31, No. 2.)

Provided, that in cases where the Work is to be made by means of Funds, or out of Money to be raised upon the credit of present Surplus Revenue, under the control of Directors, Trustees, or Commissioners, as the case may be, of any existing Public Work, a Declaration to that effect, setting forth the Nature and Amount of such Funds and Revenue, and given under the common seal of the Company, or under the hand of some authorized Officer of such Directors, Trustees or Commissioners, may be substituted in lieu of such Subscription Contract. (See Private Bill Office, p. 31, No. 2.)

Provided also, that in cases where the Work is to be made out of Money to be raised upon the Security of the Rates and Duties to be created by any Bill, under which no private or personal pecuniary profit or advantage is to be derived, a Declaration to that effect, setting forth the means by which Funds are to be obtained for executing the Work, and signed by the Party or Agent soliciting the Bill, together with an Estimate of the probable Amount of such Rates and Duties, signed by the Person making the same, may be substituted in lieu of such Subscription Contract. (See Private Bill Office, p. 31, No. 2.)

The proviso to this Order is omitted, and two others added. The 1st, providing that a Declaration setting forth the nature and amount of the Funds

Appendix,  
p. 16.

Sect. 6, p.16.

Plan and  
Section with  
Parish Clerk,  
&c.

Appendix,  
p. 16.

Sect. 7, p.17.

Time for De-  
posit in Pri-  
vate Bill  
Office.

Sect. 8, p.18.

Estimate and  
Subscription  
Contracts.

## REPORT FROM SELECT COMMITTEE

Funds and Revenue of the existing Work may be substituted in lieu of the Subscription Contract; the 2d, providing that where the Work is to be made out of Money to be raised upon the security of the Rates and Duties to be created by any Bill under which no private or personal pecuniary profit is to be derived, a Declaration to that effect, setting forth the means by which Funds are to be obtained for executing the Work, together with an estimate of the probable amount of such Rates and Duties, may be substituted for such Subscription Contract.

Sect. 9, p. 18.

To contain Christian and Surnames of Parties.

9.—THAT all Subscription Contracts shall contain the Christian and Surnames, Description and Place of Abode of every Subscriber; his Signature to the amount of his Subscription, with the amount which he has paid up; and the Name of the Party witnessing such Signature and the date of the same respectively; and that it be proved to the satisfaction of the Committee on Petitions that a sum equal to one-tenth part of the amount subscribed has been paid up and deposited in the Bank of *England*, or in any Bank in *Scotland*, incorporated by Act of Parliament, or by Royal Charter, if the Bill relate to *Scotland*, or invested in some Government security in the names of the Clerk of the House of Commons for the time being, and of any two persons named by the Promoters of the Bill, the said sum or securities so to remain until the Bill has either passed or been rejected by this House, or been withdrawn by the Parties, and that not less than three-fourths of the Subscribers shall have paid up their shares of such deposit; and when the said Bill shall have passed this House, or been rejected by this House, or withdrawn by the Parties, the Clerk of this House and the said Trustees shall pay over or transfer such sum of money or securities to some person or persons named for the purpose of receiving the same, by the Parties making the deposit or investment, at the time of their making such deposit or investment.

This Order has been amended,—1st, to provide that the Subscription Contract shall specify the amount which each Subscriber has paid up; and 2d, that not less than three-fourths of the Subscribers shall have paid up their Shares of the required Deposit.

Sect. 10, p. 18.

Not valid unless entered into subsequent to close of previous Session.

10.—That no Subscription Contract shall be valid unless it be entered into subsequent to the close of the Session of Parliament previous to that in which application is made for leave to bring in the Bill to which it relates, and unless the Parties subscribing to it bind themselves, their Heirs, Executors, and Administrators for the Payment of the Money so subscribed.

This Order has been amended by inserting the word "Heirs" before Executors, and leaving out the word "Assigns."

Sect. 11, p. 19.

Subscription Contract to be printed at expense of Promoters of Bill.

11.—That previous to the presentation of a Petition for the Bill, copies of the Subscription Contract, with the Names of the Subscribers arranged in alphabetical order, or where a Declaration and Estimate are substituted in lieu of a Subscription Contract, Copies of such Declaration and Estimate be printed at the expense of the Promoters of the Bill, and be delivered at the Vote Office for the use of the Members of the House.

This Order has been amended to provide that the Copies of the Subscription Contract to be deposited in the Vote Office shall have the Names of Subscribers arranged in alphabetical order, and that where a Declaration and Estimate are substituted in lieu of a Subscription Contract, Copies of such Declaration and Estimate are to be deposited.

Sect. 12, p. 19.

Application to be made to Owners, &c.

12.—THAT before any Application is made to The House for a Bill whereby any part of a Work authorized by any former Act is intended to be relinquished, Notice in writing of such Bill be given

given to the Owners or reputed Owners and Occupiers of the Lands in which the part of the said Work intended to be thereby relinquished is situate.

when the Bill  
is to abridge  
the extent of  
any Public  
Work.

This Order has been merely amended in its construction.

After VII. p. 19, is inserted the following new Order :

**2. THAT** in all Bills, whereby any parties are authorized to levy Fees, Tolls or other Rate or Charge, a Clause be inserted, enacting, that an Annual Account, in Abstract, be prepared of the total Receipts and Expenditure of all Funds levied under such Bill for the past year, under the several distinct heads of Receipts and Expenditure, with a Statement of the Balance of the said Account, duly audited and certified by the Directors, Managers or Auditors thereof; and that a Copy of such Annual Account be transmitted, free of Charge, to the Clerk of the Peace, or in Scotland to the Sheriff Clerk for the County, or to the Clerk of the City or Borough within which the Chief Office for the management of such Funds shall be situated, on or before the First day of January in each year, under a sufficient Penalty for not preparing and sending in the said Account, to be levied by summary process; the said Account to be open at all seasonable hours to the inspection of the Public upon payment of a Fee.

VII. p. 19.  
—

In Page 21 are inserted the two following New Orders :

**BILLS** for making Burial Grounds ;  
To be proved before Committee on Petitions.

**1.—THAT** Notices be affixed to the Outer Doors of the Churches of every Parish adjoining that in which the Burial Ground is proposed to be made, for Three successive Sundays in the months of October and November, or either of them.

**2.—THAT** on or before the Thirty-first day of December immediately preceding the Application for the Bill, Notice be given to the Owner or Occupier of every Dwelling House situated within 300 Yards of the Boundary of the proposed Burial Ground.

## V.

**THAT** Parties desiring to deviate from the Line of any Railway, of which the Plans, Sections and Books of Reference shall have been deposited, and for which the Notices shall have been given as before directed, shall be permitted so to do, provided no one Deviation shall exceed One Mile in length, and provided a Plan and Section, as before described, of such Deviation, together with a Book of Reference thereto, shall be deposited with the Clerk of the Peace of every County, Riding or Division in *England* or *Ireland*, and in the Office of the principal Sheriff Clerk of every County in *Scotland*, in which such Deviation is proposed to be made, and a Plan and Section so far as relates to each Parish, together with a Book of Reference thereto, with the Parish Clerks of each such Parish in *England*, the Schoolmaster of each such Parish in *Scotland*, (or in Royal Burghs with the Town Clerk,) and the Postmaster of the Post-town in or nearest to each such Parish in *Ireland*, in which such Deviation is proposed to be made, on or before the 30th day of November immediately preceding the application to Parliament; and that the intention to make such Deviation shall be published in manner before directed, in Three successive Weeks in the months of October and November or either of them; and that on or before the 31st day of December immediately preceding such application

V. p. 23.  
—

Permission to  
deviate after  
first Deposit  
of Plans.

to Parliament, application in writing be made to the Owners or reputed Owners, Lessees or reputed Lessees and Occupiers of the Lands through which such Deviation is proposed to be made, either by delivering the same personally, or by leaving the same at their usual place of abode, or, in their absence from the United Kingdom, with their Agents respectively ; and that separate Lists be made of such Owners, Lessees and Occupiers, distinguishing which of them have assented, dissented, or are neuter in respect thereto. (See Private Bill Office, p. 31, No. 2.)

This Order has been verbally amended. There is added to it the Order for Application to Owners, &c., and for the Lists of Assents, &c. Annexed to this is a Reference to the Orders for the Private Bill Office.

#### VI.

VI. p. 23.

This Order has been omitted, it having been considered that the relaxation of Standing Orders applicable to Railway Bills, which it authorized in particular cases, ought not to be continued ; the Committee, however, are of opinion, that provision should be made by the House, allowing Bills to which this Order applied to proceed in the next Session according to the terms thereof.

#### VII.

VII. p. 24.  
Renewal of  
Application to  
Parliament.

THAT Parties desiring to renew any application to Parliament in respect of any Railway, of which the Plans, Sections and Books of Reference shall have been deposited, and for which the Notices shall have been given as before directed, shall be permitted so to do in the Session next ensuing that in which such application to Parliament was made, provided a Plan and Section, as before described, of such Railway, together with a Book of Reference thereto, shall be deposited with the Clerk of the Peace of every County, Riding or Division in *England* or *Ireland*, and in the office of the Principal Sheriff Clerk of every County in *Scotland*, in or through which such Railway is proposed to be made ; and a Plan and Section, as before described, so far as relates to each Parish, together with a Book of Reference thereto, with the Parish Clerks of each such Parish in *England*, the Schoolmaster of each such Parish in *Scotland*, (or in Royal Burghs with the Town Clerk, and the Postmaster of the Post-town in or nearest to each such Parish in *Ireland*, through which such Railway is proposed to be made, on or before the 30th day of November, immediately preceding such renewed application to Parliament ; and that the intention to make such application shall be published in manner before directed, in the months of October and November, or either of them ; and that on or before the 31st day of December immediately preceding such renewed application to Parliament, application in writing be made to the Owners or reputed Owners, Lessees or reputed Lessees and Occupiers of the Lands through which any such Railway is proposed to be made, either by delivering the same personally, or by leaving the same at their usual place of abode, or in their absence from the United Kingdom, with their Agents respectively ; and that separate Lists be made of such Owners, Lessees and Occupiers, distinguishing which of them have assented, dissented, or are neuter in respect thereto. (See Private Bill Office, p. 31, No. 2.)

This Order has been verbally amended.

The limitation as to deviation of One Mile has been omitted.

The same addition as in Order V. p. 23, has been made.

Sect. 3, p. 31.

Time for  
delivering  
Notices.

THAT all Notices required to be given in the Private Bill Office, be delivered in the said Office before Six of the clock in the Evening : and that after any day on which the House shall have

have adjourned, no Notice shall be given for the first day on which it shall again sit.

To this Order has been added, "and that after any day on which the House shall have adjourned, no notice shall be given for the first day on which it shall again sit."

This Amendment secures the appearance in the Votes of the House of all Notices for the First Day of Meeting after Adjournments.

THAT the points to which the duty of the Examining Clerk Sect. 7 & 8.  
p. 32. shall extend, be the following; viz., That the Title of the Bill is comprehended within the Order of Leave; and that the subject-matter of each Clause or set of Clauses is sufficiently pointed out in the Breviate. The form of the Breviate to be such as The Speaker shall from time to time direct.

These two Orders have been amended and united in one. The effect of this will be to remove the duty of examining whether the provisions of the Bill are comprehended within the Allegations of the Petition, from the examining Clerk; it being considered that such duty should only be performed by a legally qualified officer.

The Orders for Bills relating to Letters Patent, page 30, requiring it to be proved before the Committee on the Bill that copies of the Letters Patent are annexed thereto, the repetition here is omitted.

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## APPENDIX.

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[FORM referred to in Page 7.]

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(A.)

No.

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Sir,

We beg to inform you, that Application is intended to be made to Parliament in the ensuing Session for "An Act" [*here insert the Title of the Act*], and that the Property mentioned in the annexed Schedule, or some Part thereof, in which we understand you are interested as therein stated, will be required for the Purposes of the said Undertaking, according to the Line thereof as at present laid out, or may be required to be taken under the usual Powers of Deviation to the Extent of                    Yards on either side of the said Line which will be applied for in the said Act, and will be passed through in the Manner mentioned in such Schedule.

We also beg to inform you, that a Plan and Section of the said Undertaking, with a Book of Reference thereto, has been or will be deposited with the several Clerks of the Peace of the Counties of [*specify the Counties in which the Property is situate*], and that Copies of so much of the said Plan and Section as relates to the Parish in which your Property is situate, with a Book of Reference thereto, has been or will be deposited for public Inspection with the Clerk of the said Parish on or before the 31st day of December instant, on which Plans your Property is designated by the Numbers set forth in the annexed Schedule.

As we are required to report to Parliament whether you assent to or dissent from the proposed Undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your Answer of Assent, Dissent or Neutrality in the Form left herewith, and returning the same to us with your Signature on or before the                    day of                    next; and if there should be any Error or Misdirection in the annexed Schedule, we shall feel obliged by your informing us thereof, at your earliest convenience, that we may correct the same without delay.

We are, Sir,

Your most obedient Servants,

To

SCHEDULE

**SCHEDULE referred to in the foregoing Notice, and which is intended to show the Property therein alluded to, and the Manner in which the Line of the deposited Section will affect the same.**

**ON STANDING ORDERS REVISION.**

15

Parish.		Number on Plans.	Description.	Owner.	Lessee.	Occupier.	Description of the Section of the Line deposited, and of the greatest Height of Embankment and Depth of Cutting.
Property in the Line as at present laid out.	—						
Property within the Limits of the De- viation intended to be applied for.	—						

## ANNO PRIMO VICTORIÆ REGINÆ.

## CAP. LXXXIII.

**AN ACT** to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.

WHEREAS the Houses of Parliament are in the habit of requiring that, previous to the introduction of any Bill into Parliament for making certain bridges, turnpike-roads, cuts, canals, reservoirs, aqueducts, waterworks, navigations, tunnels, archways, railways, piers, ports, harbours, ferries, docks and other works, to be made under the authority of Parliament, certain maps or plans and sections, and books and writings, or extracts or copies of or from certain maps, plans or sections, books and writings, shall be deposited in the office of the clerk of the peace for every county, riding or division in England or Ireland, or in the office of the sheriff clerk of every county in Scotland, in which such work is proposed to be made, and also with the parish clerk in every parish in England, the schoolmaster of every parish of Scotland, or in Royal Burghs with the town clerk and the postmaster of the post town in or nearest to every parish in Ireland, in which such work is intended to be made, and with other persons : And whereas it is expedient that such maps, plans, sections, books, writings and copies or extracts of and from the same, should be received by the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters and other persons, and should remain in their custody for the purposes hereinafter mentioned ; BE it therefore Enacted by The QUEEN's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

Clerks of the Peace, &c. to receive the Documents herein mentioned, and retain them for the purposes directed by the Standing Orders of the Houses of Parliament. assembled, and by the authority of the same, THAT whenever either of the Houses of Parliament shall by its Standing Orders, already made or hereafter to be made, require that any such maps, plans, sections, books or writings, or extracts or copies of the same, or any of them, shall be deposited as aforesaid, such maps, plans, sections, books, writings, copies and extracts shall be received by and shall remain with the clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters and other persons with whom the same shall be directed by such Standing Orders to be deposited, and they are hereby respectively directed to receive and to retain the custody of all such documents and writings so directed to be deposited with them respectively, in the manner and for the purposes and under the rules and regulations concerning the same respectively directed by such Standing Orders, and shall make such memorials and endorsements on and give such acknowledgements and receipts in respect of the same respectively as shall be thereby directed.

Clerks of the Peace, &c. to permit such Documents to be inspected or copied by persons interested. II. And be it further Enacted, That all persons interested shall have liberty to, and the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks and postmasters, and every of them, are and is hereby required, at all reasonable hours of the day, to permit all persons interested to inspect during a reasonable time and make extracts from or copies of the said maps, plans, sections, books, writings, extracts and copies of or from the same, so deposited with them respectively, on payment by each person to the clerk of the peace, sheriff clerk, clerk of the parish, schoolmaster, town clerk or postmaster having the custody of any such map, plan, section, book, writing, extract or copy, One Shilling for every such inspection, and the further sum of One Shilling for every hour during which such inspection shall continue after the first hour, and after the rate of Six-pence for every One hundred words copied therefrom.

Clerks of the Peace, &c. for every omission to comply with the provisions of this Act, liable to the Penalty of 5*l.* to be recovered in a summary way. III. And be it further Enacted, That in case any clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster or other person, shall in any matter or thing refuse or neglect to comply with any of the provisions hereinbefore contained, every clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster or other person shall for every such offence forfeit and pay any sum not exceeding the sum of Five Pounds; and every such penalty shall, upon proof of the offence before any Justice of the Peace for the county within which such offence shall be committed, or by the confession of the party offending, or by the oath of any credible witness, be levied and recovered, together with the costs of the proceedings for the recovery thereof, by distress and sale of the goods and effects of the party offending, by warrant under the hand of such Justice, which warrant such Justice is hereby empowered to grant, and shall be paid to the person or persons making such complaint; and it shall be lawful for any such Justice of the Peace to whom any complaint shall be made of any offence committed against this Act to summon the party complained of before him, and on such summons to hear and determine the matter of such complaint in a summary way, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information in writing or in print shall have been exhibited or taken by or before such Justice ; and all such proceedings by summons without information shall be as good, valid and effectual to all intents and purposes as if an information in writing had been exhibited.



R E P O R T

FROM

SELECT COMMITTEE

ON

STANDING ORDERS REVISION;

WITH

APPENDIX.

---

*Ordered, by The House of Commons, to be Printed,*  
10 August 1838.

---

700.

# R E P O R T

FROM

SELECT COMMITTEE

ON THE

LIBRARY OF THE HOUSE;

WITH

AN APPENDIX.

---

*Ordered, by The House of Commons, to be Printed,*  
*7 August 1838.*

---

*Martis, 25° die Februarii, 1834.*

*Resolved,* That a Standing Committee of Sixteen Members be appointed, and be renewed at the commencement of each Session, to assist Mr. Speaker in the direction of the Library; to whom shall be referred all matters relating thereto.

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*Lunæ, 27° die Novembris, 1837.*

*Resolved,* That a Standing Committee be appointed of Sixteen Members, to assist Mr. Speaker in the direction of the Library; to whom shall be referred all matters relating thereto.

And a Committee was appointed of,—

Sir R. H. Inglis.  
Mr. Chancellor of Exchequer.  
Sir Robert Peel.  
Sir Henry Hardinge.  
Dr. Lushington.  
Mr. Goulburn.  
Mr. Shaw.  
The Lord Advocate.

Mr. Williams Wynn.  
Mr. Warburton.  
Lord Viscount Clive.  
Mr. Shaw Lefevre.  
Mr. Gladstone.  
Mr. Fazakerly.  
Mr. Gally Knight.  
Mr. Acland.

#### PROCEEDINGS OF THE COMMITTEE.

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*Sabbati, 5° die Maii, 1838.*

PRESENT.

Mr. Speaker.  
Sir R. H. Inglis.  
Mr. Gally Knight.  
Mr. Shaw.

Mr. Acland.  
Mr. Gladstone.  
Mr. Shaw Lefevre.

*Sabbati, 9° die Junii, 1838.*

PRESENT.

Mr. Speaker.  
Lord Viscount Clive.  
Sir R. H. Inglis.

Mr. Shaw.  
Mr. Shaw Lefevre.  
Mr. Gladstone.

Report read, and agreed to.

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## R E P O R T.

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### I. CHARITY REPORTS.

THE arranged set of the Reports of Commissioners on Charities, divided into Counties, deposited in the Library, has been rendered perfect for purposes of reference, by the addition of an Index to each County, which work has been performed under the superintendence of Messrs. Hansards, by direction of Your Committee.

### II. GENERAL INDEX TO ACTS.

THE General Index to the Public Acts, 1801–1828, was compiled by the late Mr. Spiller, and printed for the use of the Government Offices and the Houses of Parliament. Your Committee directed Mr. Vardon in their Report, 1835, to continue the Index from the Year 1828, in order that a complete Index to the Public Acts should always be accessible in the Library. In 1836, Your Committee reported that the work was completed down to the year 1835, inclusive; and it has since been continued in MS. It is the opinion of Your Committee, that the Index should, for public use, be now re-printed, incorporating the MS. Index from 1828 to 1837, being the Ten Years following the date of the former edition, and closing the reign of his late Majesty William the Fourth. Mr. Vardon, who had therefore been directed to take the necessary steps, and under such arrangements as to type, &c., as Mr. Speaker should direct, has accordingly produced, with the aid of Messrs. Hansards, several specimens, out of which Your Committee have selected one, which they have instructed Messrs. Hansards to adopt and follow; and they trust that at the commencement of the next year the work will be completed and printed: it will form one octavo volume, to range with the octavo edition of the Statutes. Your Committee have preferred this form as being less expensive than the quarto, and as, consequently, rendering it probable that a future Parliament will more readily consent to a new edition of the same, whenever, by an accumulation of materials, such a measure may seem desirable. Your Committee recommend that the work be forthwith printed; and that the disposal thereof be left, as in the instance of the former edition, to the discretion of the Treasury.

### III. LOCAL AND PERSONAL ACTS.

THE Index to these Acts, which the Librarian was in 1835 directed to compile, is in a state of forwardness; sufficient progress having been made to insure the work being ready for press by the summer of 1839; at which period, as the General Index to the Journals will then be completed, his whole time can be devoted to the final arrangement of this work for the press.

### IV. GENERAL INDEX TO PAPERS, printed by Order of The House.

IN 1834, Your Committee recommended that Messrs. Hansards should be directed to incorporate the Sessional Indexes to papers printed by order of The House, annually, in order "that at any period when the papers have assumed such a bulk as to be difficult of reference by annual Indexes, a similar publication may be ready for printing; and thus when such convenience may be deemed expedient, the delay otherwise incident to the completion of a General Index may be found to have been avoided." Messrs. Hansards, following the direction of Mr. Speaker, have completed the work from 1832 to 1837, and for general convenience have deposited the MS. in the Library of The House.

## REPORT FROM SELECT COMMITTEE

### V. INDEX TO REPORTS OF SELECT COMMITTEES.

THE subjects reported on last year being completed, have been arranged in Thirty Volumes, with the Indexes attached to them, and have been placed in the Library. Indexes to other subjects will be completed during the Session ; viz.

- Assize of Bread ;
- Medical and Surgical ;
- Civil List ;
- State of Ireland.

Several other subjects are in progress ; viz.

- Church, Tithes, Education and Charities ;
- Parliament ;
- Trade and Manufactures ;
- Finance, Banking, Coinage, &c. ;

but will require the leisure of the ensuing recess to prepare for press.

### VI. GENERAL INDEX TO THE JOURNALS.

YOUR Committee last year, 1837, determined on the necessity of incorporating in this work, which had been ordered to be printed from 1820 to 1834, the subsequent Indexes to the years 1835, 1836, 1837, to the close of the reign of his late Majesty. The additional labour caused by this alteration on the original plan it was calculated would delay the production of the volume for one year. From the progress made, Your Committee are now enabled to report, that the time then estimated will not be exceeded, neither will the bulk of the volume be materially increased ; as improved type and improved method of arrangement, suggested by Messrs. Hansards, have been adopted.

### VII.

YOUR Committee have again to acknowledge the receipt of State Papers and Papers published by the Chambers of France, forwarded to this House by the French Government and by the Chamber of Deputies. Your Committee cannot but feel that this interchange is useful, not only in its direct and immediate object, but also in its influence upon the good feeling of the respective nations ; and Mr. Speaker has been pleased accordingly to express his own sense, and that of The House, upon the occasion, by addressing a letter to that effect to the Ambassador of the King of the French, through whom the donation in question was received.

The recommendations of the Committee of 1830, renewed by that of 1832, in reference to the supply of papers connected with foreign history and statistics, were successively adopted by the then Governments, and large accessions were in consequence made to the Library in these classes. Almost the whole of the collections so made were, however, destroyed in the fire of 1834 ; and though the losses have been partially replaced, and though in a certain degree the supply has been kept up of the current productions, still there is a considerable deficiency both in the past and in the contemporary publications, whether of Foreign States or of British Colonies. Your Committee trust that Her Majesty's Foreign and Colonial Administration will not lose any opportunity of completing these classes of the Library of the House of Commons, which are so important to due legislation on foreign and colonial topics, and which Members of this House may so justly require to find in its own public Library.

Though, from reasons sufficiently obvious to any Member who observes the crowded state of the shelves, and also the press of those who use the Library merely as the nearest and most accessible place in which they can write their letters, Your Committee cannot recommend any systematic enlargement of the stock of books already in the possession of The House ; yet they think that they shall not discharge their duty, in respect to the ultimate completeness of the collection, if, even under the present state of things, they were to omit any offered occasion of obtaining works which might rarely again recur ; and, as a large accession has been made since the last alphabetical list was printed, they think that it may be an accommodation to Members generally that an alphabetical list of the actual stock should again be printed. Your Committee have accordingly directed the same to be prepared, and to be subjoined to this Report.

### APPENDIX.

## APPENDIX.

## ALPHABETICAL CATALOGUE

OF THE

## LIBRARY OF THE HOUSE OF COMMONS.

(1837-8.)

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| <p>ABBOT (Mr. Speaker); Speeches to Military Commanders.</p> <p>Acherley (Rog.); on Parliaments.</p> <p>Acts (Public General), 1801-1838.</p> <p>— (Local, Personal and Private), 1801-1838.</p> <p>— Private, 1791-1831 (incomplete).</p> <p>— of the Parliament of Scotland. 12mo. and folio Editions.</p> <p>— Collection by Sir T. Murray.</p> <p>Adolphus (J.); History of England.</p> <p>Aikin (J.); Annals of George III.</p> <p>Ainsworth; Latin Dictionary.</p> <p>Alcock (J. C.); Registry Cases (Ireland).</p> <p>Alfordi Annales.</p> <p>Alfred; Anglo-Saxon Version of Orosius.</p> <p>Alison (A.); Principles of Criminal Law (Scotland.)</p> <p>— Practice of Criminal Law (Scotland.)</p> <p>Anderson (J.); Diplomata Scotiae.</p> <p>— History of Commerce.</p> <p>Andrews (J. Pettit); Continuation of Henry's History of England.</p> <p>Annual Register.</p> <p>Anselme (Père); Histoire Généalogique.</p> <p>Arnot (Hugo); Criminal Trials.</p> <p>Articles of War.</p> <p>Astile (T.); on the Origin of Writing.</p> <p>Atkins (Sir R.); Parliamentary and Political Tracts.</p> <p>Atlas Universel de Géographie.</p> <p>Auber (Peter); Analysis of the Constitution of the East India Company.</p> <p>— Charters and Statutes of the East India Company.</p> <p>Auctions, Practical Treatise on the Law of Excise Edition.</p> <p>Aulaire (St.); Histoire de la Fronde.</p> <p>Austin (J.); Province of Jurisprudence.</p> <p>Avesbury (Robert de); Hist. Edw. III. (Hearne.)</p> <p>Aylmer, Life of. By Strype.</p> <p>Ayloffe (Sir J.); Ancient Charters.</p> <p>Bacon (Lord); Letters.</p> <p>— Works. By Montagu.</p> <p>— (Matthew); Abridgment of the Law.</p> <p>— (Nat.); Discourse on the Laws of England.</p> <p>Baker (Sir Richard); Chronicle.</p> <p>Bale (J.); Chronycle of Sir Johan Oldecastell; the Lorde Cobham.</p> <p>Baleus de Scriptoribus Anglicis.</p> <p>Balfour (Sir James); Practicks.</p> | <p>Banks (T. C.); Dormant and Extinct Baronage.</p> <p>Bannatyne Club Books; <i>viz.</i>—</p> <p>Descrittione del Regno di Scotia di Petruccio Ubaldini.</p> <p>Marriage of James VI.</p> <p>Memorials of G. Bannatyne.</p> <p>Regalia of Scotland.</p> <p>Bannister (S.); Humane Policy.</p> <p>Barrington (Daines) on the Statutes.</p> <p>Baxter (W.); Glossarium Antiq. Britanicarum.</p> <p>Bayle (P.); Dictionary.</p> <p>Beatson (R.); Chronological Register.</p> <p>— Political Index.</p> <p>Beaufoy (Col.); Nautical Experiments.</p> <p>Boccaria; Essay on Crimes and Punishments.</p> <p>Bedæ; Hist. Ecclesiastica.</p> <p>Bell (G. J.); Commentaries on the Laws of Scotland.</p> <p>— Principles of the Law of Scotland.</p> <p>— (James); Gazetteer of England and Wales.</p> <p>— (R.); Law of Elections.</p> <p>Bible, The.</p> <p>Bingham (Jos.); Antiquities.</p> <p>Biographie Universelle.</p> <p>Birch (Thos.); Memoirs of Queen Elizabeth.</p> <p>— Life of Henry, Prince of Wales.</p> <p>Blackstone (W.); Commentaries.</p> <p>— Law Tracts.</p> <p>Blount (T.); Law Dictionary.</p> <p>Boece (H.); Chronicles of Scotland. By J. Bellenden.</p> <p>Bohun (W.); Debates.</p> <p>Bolinbroke (Lord); Works.</p> <p>Bouchette (Jos.); British Dominions in North America.</p> <p>Bracton (H.); De Legibus.</p> <p>Brady (Dr. R.); on Boroughs.</p> <p>Bramwell (G.); Manner of proceeding on Bills in the House of Commons.</p> <p>— Table of Private Acts.</p> <p>Bromley (Sir G.); Collection of Royal Letters.</p> <p>Brougham (Lord); Speeches.</p> <p>Brown (M. P.); Supplement and Synopsis to Dictionary of Decisions of the Court of Session.</p> <p>Bullet (M.); Mémoires sur la Langue Celtique.</p> <p>Bulletins des Loix. Presented by the French Chamber of Deputies.</p> <p>Burge (W.); Colonial Laws.</p> <p>Burghley (Lord); State Papers.</p> <p>Burke (E.); Speeches.</p> <p>— Works.</p> <p>— (John); Peerage and Baronetage.</p> <p>Burlamaqui (J. J.); National Law.</p> |
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                         Justice. Editions 1831 and 1837.
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